

77-1493

APPENDIX

Supreme Court, U. S.

FILED

AUG 3 1978

MICHAEL RODAK, JR., CLERK

**In the
Supreme Court of the United States**

OCTOBER TERM, 1977

GLADSTONE, REALTORS,[®] et al.,

Petitioners,

vs.

VILLAGE OF BELLWOOD, et al.,

Respondents.

ROBERT A. HINTZE, REALTORS,[®] et al.,

Petitioners,

vs.

VILLAGE OF BELLWOOD, et al.,

Respondents.

On Petition For A Writ of Certiorari To The United States Court
Of Appeals For The Seventh Circuit

UNITED STATES LAW PRINTING CO., CHICAGO, ILLINOIS 60618 (312) 525-6581

Petition for Certiorari Filed April 19, 1978

Certiorari Granted June 12, 1978

**In the
Supreme Court of the United States**

OCTOBER TERM, 1977

GLADSTONE, REALTORS,[®] et al.,
Petitioners,

vs.

VILLAGE OF BELLWOOD, et al.,
Respondents.

ROBERT A. HINTZE, REALTORS,[®] et al.,
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vs.

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APPENDIX

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

VILLAGE OF BELLWOOD, a municipal corporation of the State of Illinois, THE LEADERSHIP COUNCIL FOR METROPOLITAN OPEN COMMUNITIES, a not-for-profit corporation of Illinois, EDWARD B. POWELL, MARY P. POWELL, CHARLES ELLIOTT, VICKI SIMMONS, SANDRA T. SHARP and JOYCE PERRY,

Plaintiffs,

- vs -

GLADSTONE REALTORS, JAMES D. DOEHRING, ROBERT J. CASEY, TED WOLNIK, BEVERLEY RICHUTO, WILLIAM JAKES, and CAROL HOSNEDL,

Defendants.

RELEVANT DOCKET ENTRIES

10/24/75 Filed complaint and 7 copies. (JS-5)
10/31/75 Filed plaintiff's Interrogatories.
10/31/75 Filed plaintiffs' Request for Production of Documents to be Inspected and Copies. msn
11/17/75 Filed defendants' Notice of Filing; Motion to Dismiss.
2/ 9/76 Enter order dated 2/5/76: It appearing to the court that defendants herein filed their motion to dismiss the above cause on November 17, 1975. However, a check of the docket and file reveals that neither supporting nor opposing briefs

Relevant Docket Entries

have been filed. It is therefore ordered that if defendants intend to support their motion by a brief, such brief shall be filed within ten days from this date; plaintiffs shall have ten days thereafter to file an opposing brief, and defendants five days thereafter for a reply brief.
—Decker, J.

Notices mailed 2/9/76 msn

2/11/76 Filed Defendant's Discovery Request.
(First Wave) msn

3/31/76 Enter order dated 3/29/76; Defendants moved on November 17, 1975 to dismiss the instant cause, asserting that the complaint failed to state a cause of action under either 42 USC 1982 or 42 USC 3604. On February 6, 1976 this court ordered defendants' supporting brief to be filed within 10 days; none has been filed. Inasmuch as no brief has been filed and the complaint on its face does state a claim for relief under the above statutes, the motion to dismiss is hereby denied.—Decker, J.

Notices mailed 3/31/76 msn

7/ 6/76 Filed defendants' motion for summary judgment.

9/27/76 Enter order dated September 23, 1976: Memorandum Opinion filed. Defendants' motion for summary judgment is granted and the cause is ordered dismissed. JS-6 Decker, J.

Mailed notices 9/27/76 ag

10/ 4/76 Filed plaintiffs' motion to reconsider ag

10-21-76 Filed plaintiffs' notice of appeal \$5.00 pd

Relevant Docket Entries

11-1-76 Enter order dated 10-29-76; Motion to reconsider taken under advisement.—Decker, J.

Mailed notices 11-1-76 ij

11-8-76 Enter order dated November 5, 1976; The plaintiffs have moved for reconsideration of this court's order granting summary judgment in behalf of the defendants on the grounds that they lack standing to present their claim under the statutes utilized. The court feels that *Topic v. Circle Realty*, 532 F. 2d 1273 (9th Cir. 1976) is dispositive of this case and cannot be factually distinguished. The inclusion of the municipality as a plaintiff does not alter the indirect nature of the injury asserted in the complaint. *Topic* offers a compelling construction of the statutory pattern, and deals with an issue not previously decided in this Circuit. While the plaintiffs are free to attempt to persuade the Seventh Circuit to disagree with the view expressed in *Topic*, the court finds no basis for altering its previous opinion. Accordingly, the motion to reconsider is hereby denied.

—Decker, J.

Notice mailed 11-8-76 gg

Complaint

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

COMPLAINT
(Filed October 24, 1975.)

Now Come the Plaintiffs, Village of Bellwood, a municipal corporation of the State of Illinois, The Leadership Council For Metropolitan Open Communities, a not-for-profit corporation of the State of Illinois, Edward B. Powell, Mary P. Powell, Charles Elliott, Vicki Simmons, Sandra T. Sharp, and Joyce Perry, by their attorneys F. Willis Caruso and David J. Parsons, and complain of Defendants, Gladstone Realtors, James D. Doehring, Robert J. Casey, Ted Wolnik, Beverley Ricchuto, William Jakes, and Carol Hosnedl, as follows:

1. This action arises under 42 U.S.C. §1982 and 42 U.S.C. §§ 3601 et seq. Jurisdiction is conferred on this court by 28 U.S.C. §1343(4) and §2201, and 42 U.S.C. §3612.

2. Plaintiff, Village of Bellwood, is a municipal corporation of Illinois located in the County of Cook.

3. Plaintiff, The Leadership Council For Metropolitan Open Communities, is an Illinois not-for-profit corporation charged with providing for equal opportunity in housing and the elimination of discrimination in housing in the six-county Chicago metropolitan area.

4. Plaintiffs, Sandra T. Sharp and Joyce Perry are and were at all times relevant hereto black citizens of the United States of America who reside in Cook County, Illinois.

Complaint

5. Plaintiffs, Edward B. Powell, Mary P. Powell, Charles Elliott, and Vicki Simmons, are and were at all times relevant hereto white citizens of the United States of America who reside in Cook County, Illinois.

6. Defendant, Gladstone Realtors, is an Illinois real estate business with offices located at 10401 W. Cermak Road, Westchester, and 5331 St. Charles Road, Berkeley, in the County of Cook and the State of Illinois.

7. Upon information and belief Defendants, James D. Doehring, Robert J. Casey, Ted Wolnik, William Jakes, Carol Hosnedl and Beverley Ricchuto are real estate salespersons and agents of Defendant, Gladstone Realtor.

8. On or about September 15, 1975 and prior thereto and continuing to the date thereof, Defendants, Gladstone Realtors, James D. Doehring, Robert J. Casey, Ted Wolnik, Beverley Ricchuto, William Jakes, and Carol Hosnedl, undertook efforts to influence the choice of prospective homebuyers on the basis of race, and discouraged prospective black homebuyers from purchasing homes in white areas on the basis of race, thereby engaging in unlawful racial steering in violation of 42 U.S.C. §1982 and 41 U.S.C. §3604 in an area described as follows: An area bound on the North by the Northwestern Railroad, on the East by Belt Lines Railroad, on the South by the Eisenhower Expressway and on the West by Mannheim Road. The homebuyers who are affected are those in the above area; and those who used or sought to use the services of Defendant, Gladstone Realtor, and may have been so influenced or discouraged based on race.

9. In doing the acts complained of, Defendants acted intentionally and maliciously and were guilty of wilful and wanton disregard of the rights of the Plaintiffs.

Complaint

10. Such acts and practices complained of hamper and interfere with the work and purpose of the Plaintiff, The Leadership Council For Metropolitan Open Communities and cost The Leadership Council For Metropolitan Open Communities money to provide an audit and other efforts to eliminate such unlawful acts.

11. Plaintiff, Village of Bellwood, has been injured by having the housing market in such village wrongfully and illegally manipulated to the economic and social detriment of the citizens of such village.

12. The individual Plaintiffs have been denied their right to select housing without regard to race and have been deprived of the social and professional benefits of living in an integrated society.

13. Plaintiffs have no adequate remedy at law, or otherwise, for the harm done by Defendants, and Plaintiffs are suffering great and irreparable loss and will continue to suffer great and irreparable loss unless the acts and conduct of Defendants are enjoined.

Wherefore, Plaintiffs pray:

(1) That the Court declare individual Plaintiffs cannot be denied the right to inspect, negotiate for purchase of, and/or purchase homes on the basis of race;

(2) That the Court issue an injunction permanently restraining and enjoining Defendants from illegal racial steering, and enjoining Defendants from any efforts to illegally influence the choice of prospective homebuyers from purchasing homes in particular areas because of race, and/or from encouraging prospective homebuyers to purchase a home in particular areas based on race;

Complaint

(3) That the Court grant actual damages of One Hundred Thousand Dollars (\$100,000.00) and Fifty Thousand Dollars (\$50,000.00) exemplary and/or punitive damages each to the Village of Bellwood, and The Leadership Council For Metropolitan Open Communities;

(4) That the Court grant actual damages and exemplary and/or punitive damages of Five Thousand Dollars (\$5,000.00) each to Edward B. Powell, Mary P. Powell, Charles Elliott, Vicki Simmons, Sandra T. Sharp and Joyce Perry;

(5) That the Court grant reasonable attorney's fees and costs and such other relief as the Court may deem just and proper.

/s/ *F. Willis Caruso*

Attorney for the Plaintiffs

F. Willis Caruso
407 So. Dearborn Street
Suite 1360
Chicago, Illinois 60605
(312) 341-9345

David J. Parsons
Seyfarth, Shaw, Fairweather
& Geraldson
55 East Monroe
42nd Floor
Chicago, Illinois 60603
(312) 346-8000

Plaintiffs' Interrogatories

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

PLAINTIFFS' INTERROGATORIES
(Filed October 31, 1975.)

Now Come Plaintiffs, by their attorneys, and propound the following interrogatories to be answered under oath by the defendants individually.

1. State your full name. With respect to the corporate defendant, state the nature of the business entity, the date founded, all predecessors and successors and assigns. State the name and authority of the person answering for the corporate defendant.

2. State the names and addresses of all other persons having knowledge or information of the matters and incidents described in the Complaint filed in this case. State whether any statements were obtained from any of these persons by you, your agents, or your attorneys, the name and address of each such person, and the date of such statement; if so, attach a copy of each such written statement.

/s/ F. Willis Caruso

Attorney for Plaintiffs

F. Willis Caruso
407 So. Dearborn Street
Suite 1360
Chicago, Illinois 60605
(312) 341-9345

David J. Parsons
Seyfarth, Shaw, Fairweather
& Geraldson
55 E. Monroe
42nd Floor
Chicago, Illinois 60603
(312) 346-8000

Request for Documents

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

REQUEST FOR PRODUCTION OF DOCUMENTS
TO BE INSPECTED AND COPIED
(Filed October 31, 1975.)

Plaintiffs, by their attorney, pursuant to Rule 34 of the Federal Rules of Civil Procedure request Defendant Gladstone Realtors to produce designated documents as described below at 2:00 p.m. on the 25th day of November, 1975, at the offices of Gladstone Realtors, 10401 W. Cermak Road, Westchester, Illinois.

At which time the Plaintiffs, said attorney, and persons acting on their behalf shall be allowed to inspect and copy documents described as follows:

1. All listings of residential real estate either listed exclusively with Gladstone Realtors or available to said defendant for sale through multiple listing or otherwise from October 1, 1974 through October 25, 1975.

2. All office documents relating to residential real estate available for sale including, but not limited to, lists, memoranda, reports, reports of listed properties, sale reports and the like from October 1, 1974 through October 25, 1975.

3. All documents relating to names, addresses and telephone numbers of prospects for purchase of residential property, talked to, contacted and/or interviewed by sales personnel of Defendant Corporation, including, but not limited to, prospect cards, notes, memoranda, telephone

Request for Documents

prospect sheets or cards, call-back lists, reports of showings, reports of prospects, prospect books and the like from October 1, 1974 through October 25, 1975.

4. All documents showing the addresses of all residential real estate shown and/or offered to the prospects revealed by the documents requested in 3 above.

5. All newspaper ads and other advertisements for all properties listed for sale including ads for individual homes as well as display ads from October 1, 1974 through October 25, 1975.

6. All records and documents showing contracts entered into and sales consummated by the Defendant Corporation and its predecessor from October 1, 1974 through October 25, 1975 including, but not limited to all documents showing:

- a) the address of properties sold;
- b) address of Defendant Corporation's office consummating said sale;
- c) name or names of salespersons consummating said sale for Defendant Corporation;
- d) names of salespersons sharing in or paid a commission for said sale;
- e) whether any of the above sales were as a result of referrals from other real estate entities;
- f) names, addresses and race of the persons purchasing said properties;
- g) the immediate prior address of the persons purchasing said properties; and

Request for Documents

- h) names, race and present address of the sellers of said properties.

/s/ *F. Willis Caruso*
Attorney for Plaintiffs

F. Willis Caruso
407 So. Dearborn Street
Suite 1360
Chicago, Illinois 60605
(312) 341-9345

David J. Parsons
Seyfarth, Shaw, Fairweather
& Geraldson
55 E. Monroe
42nd Floor
Chicago, Illinois 60603
(312) 346-8000

CERTIFICATE OF SERVICE

Rachael Davis, being duly sworn on oath deposes and states that she mailed the foregoing Plaintiffs' Interrogatories, Plaintiffs' Request For Production of Documents To Be Inspected And Copied, as well as Notice of Filing, to James D. Doebling, 10401 W. Cermak Road, Westchester, Illinois and 5331 St. Charles Road, Berkeley, Illinois, by depositing true and correct copies of same in the United States mailbox at 407 So. Dearborn Street, Chicago, Illinois 60605, this 31st day of October, 1975, at or before the hour of 5:00 p.m.

/s/ *Rachael Davis*
Rachael Davis

Subscribed to and sworn before
me this 31st day of October, 1975.

/s/ *Della Brunson*
Notary Public
My Commission expires Oct. 19, 1979
(Seal)

Notice; Motion to Dismiss

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

NOTICE OF FILING
(Filed November 17, 1975.)

To: F. Willis Caruso
Attorney for Plaintiffs
407 S. Dearborn Street
Suite 1360
Chicago, Illinois 60605

Please Take Notice that on the 17th day of November, 1975, we filed with the Clerk of the United States District Court for the Northern District of Illinois, defendants' Motion to Dismiss, a copy of which is herewith served upon you.

Jonathan T. Howe
Attorney for Defendants

Jenner & Block
One IBM Plaza
Chicago, Illinois 60611
222-9350

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

MOTION TO DISMISS

Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, defendants move this court for an order dismissing the complaint in the above-entitled cause on the following grounds:

1. This Court lacks jurisdiction in this case because the complaint does not state a cause of action under 42

Motion to Dismiss

U.S.C. §1982 or 42 U.S.C. §§3601 *et seq.* "Racial steering" as alleged in the complaint does not state a violation of 42 U.S.C. §1982 and §3604, even if the allegations were true.

2. Since as a matter of law the allegations do not state a cause of action under the above statutes, this Court has no jurisdiction under 28 U.S.C. §1343 (4), 28 U.S.C. §2201, and 42 U.S.C. §3612. No other ground for jurisdiction is alleged or proper in this case.

Respectfully submitted,
/s/ Jonathan T. Howe
Jonathan T. Howe
Attorney for Defendants

Jenner & Block
One IBM Plaza
Chicago, Illinois 60611
222-9350

CERTIFICATE OF SERVICE

Dorothy Keller, on oath deposes and states that she caused a copy of the foregoing Notice of Filing and Motion to Dismiss to be served on F. Willis Caruso, Attorney for Plaintiffs, 407 S. Dearborn Street, Suite 1360, Chicago, Illinois 60605, by placing a true and correct copy of same in an envelope, properly addressed with postage prepaid and depositing same in the U.S. Mail at One IBM Plaza, Chicago, Illinois 60611, this 17th day of November, 1975.

/s/ Dorothy Keller

Subscribed and sworn to
before me this 17th day
of November, 1975.
/s/ Ruth Schwoegler
Notary Public
(Seal)

Defendants' Discovery Request

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

(Title omitted in printing.)

DEFENDANTS' DISCOVERY REQUEST

(First Wave)

(Filed February 11, 1976)

As their first wave discovery request in this case, defendants submit the following Interrogatories, Request to Product (*sic.*) and Request to Admit to plaintiffs:

INTERROGATORIES

II. With respect to each plaintiff,

(a) State his full name and each other name by which he has been known since age 18.

(b) State his present home address and each other address at which he has resided since age 18, indicating the dates of each such residence.

(c) State his home telephone number.

(d) State his social security number.

(e) Identify his present employer and each other employer since age 18.

(f) Identify each officer, director and principal managing agent of plaintiff The Leadership Council for Metropolitan Open Communities and with respect to each officer and principal managing agent describe his duties in that capacity.

(g) Identify each official or agent of plaintiff Village of Bellwood who has authorized the bringing of this suit on its behalf.

(h) Identify each official and agent of the Village of Bellwood who has knowledge of the injury alleged in paragraph 11 of the Complaint.

Defendants' Discovery Request

(i) Identify each officer and agent of plaintiff The Leadership Council who has knowledge of the money expended by said plaintiff to provide the audit and other efforts referred to in paragraph 10 of the Complaint.

(j) Identify the officer or agent of plaintiff The Leadership Council who is best able to testify to the types of records maintained and to the record keeping and filing procedures of said party.

(k) If any of the plaintiffs are members of a Block Club, identify the Block Club and each officer, principal managing agent and spokesperson therefor.

(l) If any of the individual plaintiffs is or has been a party to a lawsuit (other than the instant case) or a defendant in a criminal case, state with respect to each such plaintiff the full caption of the case (including case number, court and all parties) and give a brief description of the nature of the case.

I2. With respect to the allegations contained in paragraph 8 of the Complaint:

(a) Identify each act and/or communication of each defendant which you contend is evidence of an effort on his part to influence the choice of prospective homebuyers on the basis of race.

(b) Identify each act and/or communication of each defendant which you contend is evidence of his discouraging prospective black homebuyers from purchasing homes in white areas on the basis of race.

(c) Identify each act and/or communication of each defendant which you contend is evidence of his engaging in unlawful racial steering in violation of 42 U.S.C. § 1982 and 41 (*sic.*) U.S.C. § 3604.

Defendants' Discovery Request

(d) Identify each homebuyer who you contend used or sought to use the services of Gladstone Realtor and whose choice was influenced on the basis of race.

(e) Identify each homebuyer who used or sought to use the services of Gladstone Realtor who was discouraged from purchasing a home on the basis of race.

13. Identify each person whom plaintiffs expect to call as an expert witness at trial and with respect to each:

(a) State the subject matter on which the expert is expected to testify.

(b) State the substance of the facts and opinions to which the expert is expected to testify.

(c) State a summary of the grounds for each said opinion.

(d) State the title of the case, case number, court and date(s) on which said expert has testified (either at trial or in deposition) on behalf of any plaintiff herein or on the same subject matter as his expected testimony herein.

14. With respect to the allegations contained in paragraph 10 of the Complaint:

(a) State the amount of money expended by The Leadership Council to provide an audit.

(b) Identify the recipients of all said moneys.

15. Do you contend that the Village of Bellwood has expended money as a result of any of defendants' activities which are complained of in the Complaint herein?

(a) If the answer is yes, state the amount of money so expended by the Village of Bellwood.

(b) Identify the recipients of all said moneys.

16. With respect to each oral conversation between or among each plaintiff, or anyone purporting to act on his

Defendants' Discovery Request

(their) behalf, and each defendant, or anyone purporting to act on his (their) behalf, from January 1, 1975 to the present time:

(a) Identify the parties to the conversation.

(b) State the date of the conversation.

(c) State the location of the conversation and identify all persons present.

(d) If the conversation was by phone, state who called whom.

(e) State what was said by each party to the conversation or, if unable to do so, state the substance of what was said by each party to the conversation and indicate that it is the substance rather than the exact words that is being reported.

17. Do plaintiffs contend that each of the defendants discouraged prospective black homebuyers from purchasing homes in white areas on the basis of race?

(a) If the answer is yes, with respect to each defendant identify the black homebuyer and state the date of the discouragement.

(b) If the answer is no, identify those defendants as to whom you claim such activity and with respect to each identify the black homebuyer and state the date of the discouragement.

18. Identify each person not heretofore identified in response to Interrogatory I1 through Interrogatory I7, both inclusive, who has knowledge of any fact upon which the Complaint herein is based and with respect to each such person state the substance of the facts as to which he has knowledge.

19. Have plaintiffs withheld any documents called for in the Request to Produce submitted herewith because of

Defendants' Discovery Request

a claim of privilege or work product? If the answer is yes, state with regard to each such document:

- (a) The date of the document.
- (b) The nature of the document (e.g. letter, memorandum, tape recording, etc.).
- (c) The author of the document.
- (d) The subject matter of the document.
- (e) The length of the document.
- (f) The addressee of the document.
- (g) Identify all persons known to plaintiffs to have seen the document or a copy thereof.
- (h) The nature of the privilege or work product claim.

REQUEST TO PRODUCE

Pursuant to Rule 34 of the Federal Rules of Civil Procedure plaintiffs are requested to produce for inspection and copying by attorneys for defendants the following designated documents. The production is to be made in the law offices of Jenner & Block, 43rd Floor, One IBM Plaza, Chicago, Illinois 60611 commencing at 10:00 a.m., March 1, 1976:

R1. Each document which relates or refers to or which is evidence of each act and communication identified by plaintiffs in response to interrogatory I2, including without limitation each document to which plaintiffs referred or which they used to refresh their recollection in verifying the answer to interrogatory I2.

R2. The curriculum vitae for each expert witness named in response to interrogatory I3.

R3. Each previous deposition transcript and previous transcript of trial testimony of each expert witness identified in the answer to interrogatory I3.

Defendants' Discovery Request

R4. Each document which refers or relates to or which is evidence of the amount of money and recipients of said money stated in response to interrogatory I4, including without limitation each document to which plaintiffs referred or which they used to refresh their recollection in verifying the answer to interrogatory I4.

R5. Each document which refers or relates to or which is evidence of the amount of money and recipients of said money stated in response to interrogatory I5, including without limitation each document to which plaintiffs referred or which they used to refresh their recollection in verifying the answer to interrogatory I5.

R6. Each document which relates or refers to, which is evidence of, or which purports to summarize, either wholly or in part, each conversation identified in response to interrogatory I6.

R7. Each document which relates or refers to or which is evidence of each fact stated in response to interrogatory I7, including without limitation each document to which plaintiffs referred or which they used to refresh their recollection in verifying the answer to interrogatory I7.

R8. Each document which refers or relates to or which is the product of the audit referred to in paragraph 10 of the Complaint.

R9. Each document which was produced by or received by plaintiffs, and each of them, from January 1, 1975 to the present time which refers to each and any of the following:

- (a) James D. Doebling
- (b) Robert J. Casey
- (c) Ted Wolnik
- (d) Beverly Ricchiuto
- (e) William Jakes

Defendants' Discovery Request

(f) Carol Hosnedl

(g) Complaints of racial steering by Gladstone Realtors.

R10. Each document which contains instructions to the testers to conduct an audit concerning defendants.

R11. Each document which purports to summarize or collate the results of the audit concerning defendants.

R12. Each document sent to each defendant by each plaintiff (with the exception of the Village of Bellwood) and each document received by each plaintiff (with the exception of the Village of Bellwood) from each defendant from January 1, 1975 to the present time.

R13. Each document which purports to instruct the testers in the procedure to be followed in conducting an audit.

R14. Each document which plaintiffs' contend constitutes evidence of the economic and social detriment suffered by the citizens of the Village of Bellwood as a result of defendants' conduct.

R15. Each document which plaintiffs intend to introduce in evidence at the trial of this case and each document which plaintiffs intend to use to refresh the recollections of witnesses whom they intend to call in this case.

REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure plaintiffs are requested to admit the truth of the following matters:

A1. None of the individual plaintiffs who had conversations with the defendants had the intention at the time of said conversations of purchasing a home.

A2. None of the individual plaintiffs who had conversations with the defendants informed the defendants that

Defendants' Discovery Request

they were conducting an audit on behalf of The Leadership Council For Metropolitan Open Communities.

A3. None of the individual plaintiffs has had any conversation or business contact with defendant Ted Wolnik.

A4. None of the individual plaintiffs has had any conversation or business contact with defendant Beverly Ricchiuto.

DEFINITIONS

As used in this discovery request the following words and phrases are defined as shown below:

1. "Document" means any writing, drawing, graph, chart, photograph, tape recording, wire recording, computer print-out and other data compilation from which information can be obtained, translated, if necessary, by plaintiffs through detection devices into reasonably usable form.

2. "Identify" when referring to an employer means the business name, address and phone number of the entity for whom plaintiff works or worked and the name and last known address of plaintiff's immediate supervisor on said job.

3. "Identify" when referring to a person means his full name and last known address, telephone number, business affiliation and job title.

4. "Identify" when referring to an act means to describe the act, state the date of the act, name the actor and identify all known witnesses to the act.

5. "Identify" when referring to a communication means to state the date and content of the oral communication identifying all parties and witnesses to the oral communication and stating what was said by each and means to state the date, author and type of document of a written communication.

Defendants' Discovery Request

6. When used herein the masculine gender of pronouns is meant to include the feminine gender as well and singular nouns are meant to include the plural as well.

Russell J. Hoover

Russell J. Hoover

One of the Attorneys for Defendants

Jonathan T. Howe

Russell J. Hoover

JENNER & BLOCK

One IBM Plaza

Chicago, Illinois 60611

222-9350

Attorneys for Defendants

PROOF OF SERVICE

Margrett Kontek on oath states that she served a copy of the foregoing Defendants' Discovery Request (First Wave) in case No. 75 C 3587 by placing same in an envelope addressed to F. Willis Caruso, Esq., 407 South Dearborn Street, Suite 1360, Chicago, Illinois 60605, with proper, prepaid postage affixed thereto and by placing same in the United States Government mail chute at One IBM Plaza, Chicago, Illinois on Monday, February 2, 1976 before the hour of 4:00 p.m.

Margrett Kontek

SUBSCRIBED AND SWORN to
before me this 2nd day
of February, 1976.

Virginia Blaski

Notary Public

(Notary Seal)

Order

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

(Title omitted in printing.)

ORDER DENYING MOTION TO DISMISS

(Filed March 29, 1976)

Defendants moved on November 17, 1975, to dismiss the instant cause, asserting that the complaint failed to state a cause of action under either 42 U.S.C. §1982 or 42 U.S.C. §3604. On February 6, 1976, this court ordered defendants' supporting brief to be filed within 10 days; none has been filed. Inasmuch as no brief has been filed, and the complaint on its face does state a claim for relief under the above statutes, the motion to dismiss is hereby DENIED.

Bernard M. Decker

Judge

Notice of Filing

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

NOTICE OF FILING
(Filed April 2, 1976)

TO: Jonathan T. Howe
Jenner & Block
One IBM Plaza
Chicago, Illinois 60611

PLEASE TAKE NOTICE that on the 2nd day of April, 1976, we filed with the clerk of the United States District Court for the Northern District of Illinois, Answers to Defendants' First Set of Interrogatories, copies of which are herewith served upon you.

F. Willis Caruso
F. Willis Caruso
Attorney for Plaintiffs

F. Willis Caruso
Marie V. Sanon
407 So. Dearborn
Suite 1360
Chicago, Illinois 60605
341-9345

Answers to First Interrogatories

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

ANSWERS TO DEFENDANTS' FIRST SET
OF INTERROGATORIES

Pursuant to the Federal Rules of Civil Procedure, Rule 33, Plaintiffs, Village of Bellwood, a municipal corporation of the State of Illinois, The Leadership Council For Metropolitan Open Communities, a not-for-profit corporation of Illinois, Edward B. Powell, Mary P. Powell, Charles Elliott, Vicki Simmons, Sandra T. Sharp and Joyce Perry, hereby answers the interrogatories propounded by Defendants, as follows:

II. With respect to each plaintiff,

(a) State his full name and each other name by which he has been known since age 18.

Answer: See Appendix A*

(b) State his present home address and each other address at which he has resided since age 18, indicating the dates of each such residence.

Answer: See Appendix A*

(c) State his home telephone number.

Answer: See Appendix A*

(d) State his social security number.

Answer: See Appendix A*

(e) Identify his present employer and each other employer since age 18.

Answer: See Appendix A*

(f) Identify each officer, director and principal managing agent of plaintiff The Leadership Council For Metro-

Answers to First Interrogatories

politan Open Communities and with respect to each officer and principal managing agent describe his duties in that capacity.

Answer: See Appendix B, Kale Williams, Executive Director of the Leadership Council, 407 So. Dearborn, Suite 1360, Chicago, Illinois, 60605. Thomas G. Ayers, Chairman, Frederick G. Jaicks, President, and Edwin C. Berry, Vice President.

(g) Identify each official or agent of plaintiff Village of Bellwood who has authorized the bringing of this suit on its behalf.

Answer: See Appendix E.

(h) Identify each official and agent of the Village of Bellwood who has knowledge of the injury alleged in paragraph 11 of the Complaint.

Answer: See Appendix E.

(i) Identify each officer and agent of plaintiff The Leadership Council who has knowledge of the money expended by said plaintiff to provide the audit and other efforts referred to in paragraph 10 of the Complaint.

Answer: Kale Williams, Executive Director, 407 So. Dearborn, Suite 1360, Chicago, Illinois 60605.

(j) Identify the officer or agent of plaintiff The Leadership Council who is best able to testify to the types of records maintained and to the record keeping and filing procedures of said party.

Answer: Kale Williams, Executive Director, 407 So. Dearborn, Suite 1360, Chicago, Illinois 60605.

(k) If any of the plaintiffs are members of a Block Club, identify the Block Club and each officer, principal managing agent and spokesperson thereof.

Answer: See Appendix A*.

Answers to First Interrogatories

(1) If any of the individual plaintiffs is or has been a party to a lawsuit (other than the instant case) or a defendant in a criminal case, state with respect to each such plaintiff the full caption of the case (including case number, court and all parties) and give a brief description of the nature of the case.

Answer: *Objection:* Irrelevant, immaterial, not discoverable. However, plaintiffs state that they have suffered no criminal conviction other than minor traffic convictions.

I2. With respect to the allegations contained in paragraph 8 of the Complaint:

(a) Identify each act and/or communication of each defendant which you contend is evidence of an effort on his part to (influence the choice of prospective homebuyers on the basis of race.)

Answer: The act of Defendants which allegedly violate 42 U.S.C. §1982 and 42 U.S.C. §3601 et seq. are the subject matter of the audit reports.

1) With respect to Plaintiff Edward Powell, See Appendix A.

2) With respect to Plaintiff Mary P. Powell, See Appendix A.

3) With respect to Plaintiff Charles Elliott, See Appendix A.

4) With respect to Plaintiff Vicki Simmons, See Appendix A.

5) With respect to Plaintiff Joyce Perry, See Appendix A.

6) With respect to Plaintiff Sandra J. Sharp, See Appendix A.

(b) Identify each act and/or communication of each defendant which you contend is evidence of his discouraging

Answers to First Interrogatories

prospective black homebuyers from purchasing homes in white areas on the basis of race.

Answer: See answer to I2(a).

(c) Identify each act and/or communication of each defendant which you contend is evidence of his engaging in unlawful racial steering in violation of 42 U.S.C. §1982 and 41 (sic.) U.S. §3604.

Answer: See answer to I2(a).

(d) Identify each homebuyer who you contend used or sought to use the services of Gladstone Realtor and whose choice was influenced on the basis of race.

Answer: The plaintiff auditors were acting in the capacity of homebuyers. See Appendix A.

(e) Identify each homebuyer who used or sought to use the services of Gladstone Realtor who was discouraged from purchasing a home on the basis of race.

Answer: See answer to I2(d).

I3. Identify each person whom plaintiffs expect to call as an expert witness at trial and with respect to each:

(a) State the substance of the facts and opinions to which the expert is expected to testify.

Answer: Pierre DeVise; Demographics.

(b) State the substance of the facts and opinions to which the expert is expected to testify.

Answer: See Appendix D.

(c) State a summary of the grounds for each said opinion.

Answer: See Appendix D.

(d) State the title of the case, case number, court and date(s) on which said expert has testified (either at trial or in deposition) on behalf of said plaintiff herein or on the same subject matter as his expected testimony herein.

Answers to First Interrogatories

Answer: *Metropolitan Housing Development Corporation v. Arlington Heights*, 517 F.2d 409 7th Circuit Court of Appeals.

I4. With respect to the allegations contained in paragraph 10 of the Complaint:

(a) State the amount of money expended by the Leadership Council to provide an audit.

Answer: \$375.00.

(b) Identify the recipients of all said moneys.

Answer: John Woltjen, 407 So. Dearborn, Suite 1360, Chicago, Illinois 60605.

I5. Do you contend that the Village of Bellwood has expended money as a result of any of defendants' activities which are complained of in the Complaint herein?

Answer: No.

(a) If the answer is yes, state the amount of money so expended by the Village of Bellwood.

Answer: Not Applicable.

(b) Identify the recipients of all said moneys.

Answer: Not Applicable.

I6. With respect to each oral conversation between or among each plaintiff, or anyone purporting to act on his (their) behalf, and each defendant, or anyone purporting to act on his (their) behalf, from January 1, 1975 to the present time:

(a) Identify the parties to the conversation.

Answer: See Appendix A.

(b) State the date of the conversation.

Answer: See Appendix A.

(c) State the location of the conversation and identify all persons present.

Answer: See Appendix A.

Answers to First Interrogatories

(d) If the conversation was by phone, state who called whom.

Answer: See Appendix A.

(e) State what was said by each party to the conversation or, if unable to do so, state the substance of what was said by each party to the conversation and indicate that it is the substance rather than the exact words that is being reported.

Answer: See narratives in audit reports, Appendix A. The individual plaintiffs have from time to time conversed with each other, however, the substance and dates of those conversations are not specifically available, but are embodied in Appendix A.

17. Do plaintiffs contend that each of the defendants discouraged prospective black homebuyers from purchasing homes in white areas on the basis of race?

Answer: Yes, the individual plaintiffs in this matter were auditors acting in the capacity of homebuyers.

(a) If the answer is yes, with respect to each defendant identify the black homebuyer and state the date of the discouragement.

Answer: See Appendix A.

(b) If the answer is no, identify those defendants as to whom you claim such activity and with respect to each identify the black homebuyer and state the date of the discouragement.

Answer: Not Applicable.

18. Identify each person not heretofore identified in response to Interrogatory I1 through Interrogatory I7, both inclusive, who has knowledge of any fact upon which the Complaint herein is based and with respect to each such person state the substance of the facts as to which he has knowledge.

Answers to First Interrogatories

Answer: Lonnie Randolph conducted an audit, See Appendix A. John Lindsey conducted an audit, See Appendix A. Kathleen Nichols conducted an audit, See Appendix A. Sandra Sharp is a plaintiff who resides in Bellwood, who has read the answers to interrogatories.

19. Have plaintiffs withheld any documents called for in the Request to Produce submitted herewith because of a claim of privilege or work product? If the answer is yes, state with regard to each such document:

Answer: No.

(a) The date of the document.

Answer: Not Applicable.

(b) The nature of the document (e.g. letter, memorandum, tape recording, etc.).

Answer: Not Applicable.

(c) The author of the document.

Answer: Not Applicable.

(d) The subject matter of the document.

Answer: Not Applicable.

(e) The length of the document.

Answer: Not Applicable.

(f) The addressee of the document.

Answer: Not Applicable.

(g) Identify all persons known to plaintiffs to have seen the document or a copy thereof.

Answer: Not Applicable.

(h) The nature of the privilege or work product claim.

Answer: Not Applicable.

Answers to First Interrogatories

REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure plaintiffs admit the truth to the following matters:

A1. None of the individual plaintiffs who had conversations with the defendants had the intention at the time of said conversations of purchasing a home.

Answer: Admit.

A2. None of the individual plaintiffs who had conversations with the defendants informed the defendants that they were conducting an audit on behalf of the Leadership Council For Metropolitan Open Communities.

Answer: Admit.

A3. None of the individual plaintiffs has had any conversation or business contact with defendant Ted Wolnik.

Answer: Admit.

A4. None of the individual plaintiffs has had any conversation or business contract with defendant Beverley Richuto.

Answer: Admit.

Appendix A*

Vicki Simmons

4004 Warren Ave.

Bellwood, IL

544-4375

SS#—336-40-9073

Previous Address—

7340 Wrightwood, Elmwood Park

2137 No. Nagle, Chicago

Mary P. Powell (Mary P. Puricelli)

111 30th Ave.

Bellwood, IL

544-7691

SS#—320-42-5915

Answers to First Interrogatories

Previous Address—

2115 25th Ave., Broadview, IL—6/69-2/71

17 Ashbel, Hillside, IL—1948-6/69

Charles L. Elliott

3211 Jackson

Bellwood, IL—1967-Present

544-2803

SS#—349-32-4252

Previous Address—

4210 N. Kimball, Chicago,—1954-1963

4108-6 Melrose—1963-1967

Kathleen Nichols

928 Bellwood

Bellwood, IL

544-0081

SS#—Refused to Release

Previous Address—

5229 W. Race—1952-1969

2402 N. New England, Chicago—1969-1974

Lonnie Randolph

12101 S. Emerald

Chicago, IL—1974-Present

928-6556

SS#—307-54-8254

Previous Address—

4950 Kennedy, East Chicago, IN

625 W. Wrightwood—1973-1974

Employer:

Masonite Corp., 17050 Lathrop Ave., Harvey, IL

Mobil Oil

Leadership Council, 407 So. Dearborn, Chicago, Illinois

Answers to First Interrogatories

John Lindsey

7343 Prairie

Chicago, IL—1974-Present

224-5512

SS#—353-30-0044

Previous Address—

2801 King Drive, Chicago, IL—1968-1970

2951 King Drive, Chicago, IL—1971-1974

Joyce Perry

134 Granville

Bellwood, IL

544-5074

SS#—274-42-0584

Previous Address—

1668 Bryn Mawr, E. Cleveland, OH, 1967-1971

1412 Madison, Maywood, IL—1971-1975

Sandra J. Sharp

1401 S. 16th Ave.

Maywood, IL

345-1762

SS#—339-36-4853

Previous Address—

228 N. LaCrosse, Chicago, IL—1970-to-date

4639 W. West End Ave., Chicago, IL—1965-1966

513 N. Homan Ave., Chicago, IL—1964-1965

Edward B. Powell

111 30th Ave.

Bellwood, IL

544-7691

SS#—358-34-1199

Previous Address—

2115 25th Ave., Broadview, IL—1969-1971

159 Bode Road, Hoffman Estate, IL—1968-1969

552 N. Avers, Chicago, IL—1955-1969

Answers to First Interrogatories

EMPLOYMENT INFORMATION

Lonnie Randolph

Standard Oil of Indiana, Whiting, Indiana

Inland Steel, East Chicago, Indiana

Atlantic Richfield, East Chicago, Indiana

Citco Oil Refinery

Walgreen Co., Chicago, Illinois

Mobil Oil Corp., Niles, Illinois

Masonite Corp., Chicago, Illinois

Leadership Council, Chicago, Illinois—Present

Block Club: None

Never a criminal defendant

Other Litigation: *Randolph vs. Rynberk*, 74 C 3671

John Lindsey

Chicago Board of Education

Leo Burnett Advertising Agency

Tuesday Publications

Living Together Publications

Leadership Council,—Present

Block Club: 73rd & Prairie; Pres. George Lee

Never a criminal defendant

Other Litigation: None

Vicki Simmons

Capon Drugs, Beakley, IL

Block Club: Bellwood Block Club; Chairman—Ross

Ferraro

Chairwoman—Jean Keating; Treasurer—Joyce Lev;

Secretary—Vicki Simmons

Never a criminal defendant

Other Litigation: None

Mary P. Powell

Stanadyne, Bellwood, IL

Block Club: None

Answers to First Interrogatories

Never a criminal defendant

Other Litigation: Bellwood v. Gladstone Realty, 75 C 3587; Bellwood v. Hintze, 75 C 3589; Bellwood v. Dwayne Realty, 75 C 3588

Edward B. Powell

MTTR Associates, Westchester, IL
Four Phase System, Des Plaines, IL
Servitech, Inc., Westchester, IL
Hypertech, Inc., Harwood Heights, IL
Xerox Data Systems, Chicago, IL
First National Bank of Chicago, Chicago, IL

Block Club: None

Never a criminal defendant

Other Litigation: Meade Electric vs. Powell, 75 Mi 112178;
Bellwood v. Gladstone, 75 C 3587; Bellwood v. Dwayne, 75 C 3588; Bellwood v. Hintze, 75 C 3589

Charles Elliott

Oscar Mayer & Co., Chicago, Illinois
Fredricks Catering Service, Oak Park, Illinois
Lincoln Bottling Co., Chicago, Illinois
Alloy Automotive Co., Chicago, Illinois
Keebler Co., Elmhurst, Illinois
Motorola, Inc., Chicago, Illinois
Brunswick Corp., Skokie, Illinois—Present

Block Club: Bellwood Block Club; Chairman—Ross Ferraro, Chairwoman—Jean Keating, Treasurer—Joyce Lev, Secretary—Vicki Simmons

Never a criminal defendant

Other Litigation: Bellwood vs. Hintze, 75 C 3589; Bellwood v. Dwayne Realty, 75 C 3588; Bellwood v. Gladstone, 75 C 3587

Kathleen Nichols

Government employee (Refused to be more specific)

Block Club: None

Answers to First Interrogatories

Never a criminal defendant

Other Litigation: None

Sandra Sharp

Village of Maywood—Present
School District #89
Tetailers Commercial Agency

Block Club: None

Never a criminal defendant

Other Litigation: Plaintiff in *Sandra T. Sharp and Carolyn Bailey v. School District #89, 1973*; *Bellwood v. Hintze*
•Plaintiff Sandra Sharp is a citizen of Bellwood who has read the Answers to Interrogatories.

Joyce Perry

Lenerae Electric, Cleveland, Ohio
Calvert Distillers, Cleveland, Ohio
Guiliford & Sons, Cleveland, Ohio
Lenerae Electric, Broadview, IL
Lien Chemical Co., Franklin Park, IL

Block Club: None

Never a criminal defendant

Other Litigation: Bellwood v. Dwayne, 75 C 3588

/s/ *Kale Williams*
Kale Williams

Subscribed to and sworn before me

this 2 day of April, 1976.

(Seal)

/s/ *David A. Schucker*

Notary Public

My Commission Expires November 15, 1977

F. Willis Caruso

Marie Sanon

407 So. Dearborn St.

Suite 1360

Chicago, Illinois 60605

341-9345

*Answers to First Interrogatories**/s/ Charles Elliott*

Charles Elliott

Subscribed to and sworn before me
this 2 day of April, 1976.

/s/ David A. Schucker

Notary Public

(Seal)

My Commission Expires November 15, 1977

F. Willis Caruso

Marie Sanon

407 So. Dearborn St.

Suite 1360

Chicago, Illinois 60605

341-9345

/s/ Mary P. Powell

Mary P. Powell

Subscribed to and sworn before me
this 2 day of April, 1976.

/s/ David A. Schucker

Notary Public

(Seal)

My Commission Expires November 15, 1977

F. Willis Caruso

Marie Sanon

407 So. Dearborn St.

Suite 1360

Chicago, Illinois 60605

341-9345

/s/ Vicki Simmons

Vicki Simmons

Subscribed to and sworn before me
this 2 day of April, 1976.

/s/ David A. Schucker

Notary Public

(Seal)

My Commission Expires November 15, 1977

Answers to First Interrogatories

F. Willis Caruso

Marie Sanon

407 So. Dearborn St.

Suite 1360

Chicago, Illinois 60605

341-9345

/s/ Edward B. Powell J

Edward B. Powell

Subscribed to and sworn before me
this 2 day of April, 1976.

/s/ David A. Schucker

Notary Public

My Commission Expires November 15, 1977

F. Willis Caruso

Marie Sanon

407 So. Dearborn St.

Suite 1360

Chicago, Illinois 60605

341-9345

/s/ Joyce Perry

Joyce Perry

Subscribed to and sworn before me
this 2 day of April, 1976.

/s/ David A. Schucker

Notary Public

(Seal)

My Commission Expires November 15, 1977

F. Willis Caruso

Marie Sanon

407 So. Dearborn St.

Suite 1360

Chicago, Illinois 60605

341-9345

Exhibits attached to Interrogatories

AFFIDAVIT OF SERVICE

Rachael Davis, being duly sworn on oath and deposes and states that she gave the foregoing Answers to Defendants' First Set of Interrogatories to a messenger sent by Johnathan T. Howe, Jenner & Block, One IBM Plaza, Chicago, Illinois 60611, here at 407 So. Dearborn Street, Chicago, Illinois, at or before the hour of 5:00 p.m. on the 2nd day of April, 1976.

/s/ Rachael Davis

Rachael Davis

Subscribed to and sworn before me
this 2 day of April, 1976.

/s/ David A. Schucker

Notary Public

(seal)

My Commission Expires November 15, 1977

EXHIBIT 4

SALES AUDIT REPORT FORM

Auditor's Race: Cau.

Auditor's Name: Edward B. Powell

Auditor's Address: 111 30th, Bellwood

Auditor's Phone Number: 544-7691 — (457-6682—work)

Real Estate Firm's Name: Gladstone

Phone Number: 544-6800

Real Estate Firm's Address: 5331 St. Charles, Berkeley

Date and Time of Inquiry: 12:30, 9/16/75

Real Estate Agent's Name: Donald Wagner

Addresses and Listing Prices of Properties Offered for Sale:

	<i>Address</i>	<i>Price</i>
1.
2.
3.
4.

Exhibits attached to Interrogatories

Addresses and Listing Prices of Properties Seen:

	<i>Address</i>	<i>Price</i>
1.	405 Fredrick, Bellwood	\$38,500
2.	324 St. Paul, Bellwood	\$38,900
3.	414 Marshall, Bellwood	\$41,500
4.	3716 Butterfield, Bellwood	\$40,900

Information Given to the Agent by the Auditor:

Name: Edward Powell Phone Number: 885-2113

Address: Hoffman Estates

Family Size: 2 small children

Income: Not asked Downpayment: \$10,000

Present Home Sold Or Up For Sale? rent duplex

Credit Information (if any): not asked

State Exactly What You Asked For When You Entered
The Real Estate Office:

3 bedroom brick in either Westchester, Broadview, Bellwood, Berkley, Hillside. We asked for high 30's low 40's. State In A Narrative Form Your Conversation With the Real Estate Agent:

Salesman gave us listing book to look at and said he will show us any home we wanted to see. When we picked a home on Zulke Drive out he said he could show us better homes of the same type if we were interested. He said if we did not see anything in the book he would take us to the homes he thought were the best for the money.

No comments were made about race. No homes picked to see by salesman were near Zulke Drive or in the section east of Mannheim and South of Madison even tho many houses in that area were in the book.

Exhibits to Answers to Interrogatories

Donald H. Wagner
Sales Co-Ordinator
Residence Phone: 340-2221



Gladstone, Realtors

3331 St. Charles Rd. / Berkeley, Illinois 60413 / 340-2221

120-56

This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.

ADDRESS: 3716 Butterfield Road	LOT SIZE: 35.8 x 157	LIV. AREA: 6-4	CODE: 120-5-6
CITY: Bellwood	BEDS: 3	BATHS: 1 CT	HEAT: GAS FA
CONSTR: Brick	TAXES: \$684	SPEC. ADJUST: None	COST: 40,900
STYLE: Ranch	P.D.: 1961	BUILT: 1961	FACES: 4

DEPT: Full

1ST Living room, kitchen with dining area, 3 bedrooms, bath

2ND

POSSESSION: 30 days after closing

REASON FOR SALE: Relocating

SCHOOL: McKinley

MORTGAGE: \$3,000 Westchester 3/L

INCLUSIONS AND PERSONAL PROPERTY: Carpeting in living room and 1 bedroom. Combination aluminum storm bath. All drapes & curtains. Gas range & refrigerator. Patio at rear door. Window air conditioner. No FHA or VA.

OWNER: CIACCIO, Anthony & Josephine

EXCLUSIVE AGENT: MEYER REALTY SERVICE

SALES PERSON: Office

BUS. PHONE: 547-0481

RES. PHONE: 544-3550

TITLE FORM: CT & T

SHOWING INSTR: Call first

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Exhibits to Answers to Interrogatories

This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.

ADDRESS: 3724 St. Paul Avenue	LOT SIZE: 60 x 125	LIV. AREA: 6-4	CODE: 329-57
CITY: Bellwood	BEDS: 4	BATHS: 1 1/2	HEAT: GAS FA
CONSTR: Brick/Cedar	TAXES: \$716	SPEC. ADJUST: None	COST: 38,900
STYLE: Bi-Level	P.D.: 1961	BUILT: 1961	FACES: 4

DEPT: Utility room - 220 amp service

1ST Living rm, dining rm, 3 bedrooms, family rm, kitchen & 1/2 bath

2ND 1 bedroom with walk-in closet

POSSESSION: 90 days after closing

REASON FOR SALE: Relocating

SCHOOL: McKinley - St. Simon - Proviso West

MORTGAGE: Westtown - CTA

INCLUSIONS AND PERSONAL PROPERTY: Wall to wall carpeting in living room, dining room, hallway & 2 bedrooms. Fenced yard. 2 sheds; 1 gym set; patio. Aluminum S/S; 3 aluminum doors. Space heater in family room. Mirror in dining room. Air conditioner in family room. Family room is paneled. All drapes.

NO FHA or VA

OWNER: DICKEY, Edward A. Jr., Rita H.

EXCLUSIVE AGENT: GLADSTONE, REALTORS, Westchester

SALES PERSON: WJ

BUS. PHONE: 544-9276

RES. PHONE: 562-6500

TITLE FORM: TORRENS

SHOWING INSTR: Call first

208-56

This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.

ADDRESS: 414 Marshall	LOT SIZE: 140 x 140	LIV. AREA: 6-4	CODE: 208-56
CITY: Bellwood	BEDS: 6	BATHS: 3	HEAT: GAS FA
CONSTR: Brick	TAXES: \$610	SPEC. ADJUST: 1/2 CBT	COST: 41,500
STYLE: Georgian	P.D.: 1961	BUILT: 1961	FACES: 4

DEPT: Full - finished, tiled floor, shower in basement

1ST Kitchen, dining room, living room

2ND 3 bedrooms, 1 bath

POSSESSION: October 15, 1975

REASON FOR SALE: Bought in California

SCHOOL: McKinley

MORTGAGE: AVAILABLE

INCLUSIONS AND PERSONAL PROPERTY: All aluminum storms & screens & awnings. Washer & dryer in basement stay. Kitchen tiled. New floor. Stove & refrigerator & chandelier in dining room are all negotiable. All carpeting & drapes stay in home. Shutters upstairs stay. New garage. Aluminum siding on garage. Ultra sharp inside & out!! Landscaping Fan-tas-tic!

OWNER: KRAFFT, Eugene & Sally

EXCLUSIVE AGENT: GLADSTONE, REALTORS - Berkeley

SALES PERSON: JO

BUS. PHONE: 544-1143

RES. PHONE: 544-6800

TITLE FORM: CT & T

SHOWING INSTR: Call before showing



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Exhibits to Answers to Interrogatories

Location: 405 Fredrick		6-3-1		10 x 127		E-2474		\$ 38,500.	
Directions: Rollwood		Rooms and Description		Lot Size		3		Price	
7	Floor	1st	2nd	3rd	4th	Style: Cape Cod Construction: Brick Age: 25			
Bedrooms:						Insulation: Full			
8.8 x 11.7 SDC Carp.						Roof: C.S.			
12.6 x 11.5						Basement: Full finish			
10.6 x 11						Bar, stools, AM-FM Radio, bar equip.			
Office: 5 x 3.5						Heat: GPA			
Living Room:						Laundry: tub yes Water Heater: 40 gal. Saltwater: no			
11 x 18 Carp.						Water: City			
Dining Room:						Gas: yes			
10.6 x 14.6 Carpet						Sewer: yes			
Kitchen:						Stove: yes			
11 x 10.3 Stove, curtain						Refrigerator: yes			
						Cupboard: Frame			
						Landscaping: Good			
						Tonsil: OWNER			
						Phone: 500.37			
						Keys: NO			
						Acres: 0.17			
						Status: for Sale			
						Bought: AC			
Remarks: Refrigerator in unsement. All drapes and curtains. Swag lamp does not stay. 3 air conditioners. Dining room fixture to be replaced. Dog kennel does not stay.									

Owner: SPLITT, Jerome & Donna Phone: 544-7629

Agent: CLADSTONE REALTY, 2331 W. St. Charles St., Berkeley, Rhode 00163
Phone: 244-8830

Salesman: Bev Ricchiuto

Exhibits attached to Interrogatories

9-28-75

Talked with C. Hosnedl, Gladstone. Walked into office, picked up two "Home" magazines. Asked if she could help me. Told her I was interested in buying a home. Asked for particulars. Said 3 bedroom brick, preferably ranch, dining room & basement desirable but not necessary. Asked if I had dining room set, said no. Asked how old a home we desired—under 20-25. Priced between \$35-40,000 w/ 20-25% down. Started showing listing book—Westchester first area. Said homes started at over 40, so that would eliminate that area. I said "maybe I shouldn't say this, but we're willing to go as high as \$45,000." Asked about the current mortgage rate, said she knew she could get 9% + 1½% closing fee.

When she asked if I would require a basement—told her it wasn't a requirement, but would like one for my son to play in winter. After mentioning my son—told her he was of school age and wanted an area that had excellent schools, so he wouldn't have to go to a private one. Said all the schools in that general vicinity were excellent. Continue to browse thru listing book. Told her I was becoming confused & headachey from all the homes and would she pick out a few, so I would show to my husband. She did.

Asked about a map of the area, about two times, said she did not have one of the general areas, just specific ones, ie Bellwood. I said maybe my husband would pick one up or I could get one at the gas station, said she doubted whether we could get one at a gas station. While she was removing the listing sheets, I asked about the "HOMES", La Grange Area. Said that area tends to run higher—did not pursue. Asked about 95% financing, said couldn't get—maybe 90% but would run 10% + 1½%. Said I would show husband and call, said she would be busy Tuesday, and if I had any trouble locating areas to call her.

Exhibits to Answers to Interrogatories

116

35 x 125

6-4

43,900

5

1-3/4

Brick

Raised Ranch

1968

Sunrise

5680.01

Will be paid

Side Drive

NO. 1

Full - paneled recreation room - 3/4 bath - utility room

1st Living rm, kitchen and dining area, 3 bedrooms & bath

2nd

90 days or sooner

McKinley - St. Simon

West Towns - 1 block

Central Fed. S/L

INCLUSIONS AND PERSONAL PROPERTY: CENTRAL AIR CONDITIONER

Wall to wall carpet in living room & stairs. Curtains, drapes & shades. DRAPES IN LIVING ROOM DO NOT STAY. Built-in oven & range. BAR IN REC. ROOM DOES NOT STAY. Aluminum baked enamel soffits. 5/5 & 5/Doors. Cyclone fenced yard.

A QUALITY BUILT HOME VERY WELL MAINTAINED Many Extras

OWNER: ANISPE, Ralph V. & Theresa

BUS. PHONE: 544-8776

RES. PHONE: 344-0830

EXCLUSIVE AGENT: CENTURY 21, KATIE REALTY

SALES PERSON: [Signature]

TITLE FORM: C T & T

SHOWING INSTR. Call first

F.I.A. ☒ YES ☐ NO

451-56

1012 Cernan

Bellwood

Brick

Bi-Level

40 x 105 5/8

6

3

1 1/2

Central air

2-CAR

5640

None

NO. 1

Partial - Recreation room

1st Living room, dining room, cabinet kitchen, C1 bath & bedroom.

2nd 2 bedrooms

30 days after closing

Lincoln - St. Simon

None

INCLUSIONS AND PERSONAL PROPERTY: Attic fan - Water Pile Showers

Wall to wall carpeting in living room, dining room, hall, 3 bedrooms, recreation room & both baths. Aluminum 5/5 & 2 aluminum 5/doors. Fenced yard. Newly painted outside.

DO NOT LET CAT OUT. NO FHA or VA

Have key for side door. Do not open front door or basement door.

OWNER: BREHM, Edward & Helen

BUS. PHONE: 544-9458

RES. PHONE: 544-9180

EXCLUSIVE AGENT: CENTURY 21 - HILLSIDE REALTY

SALES PERSON: WM & EF

TITLE FORM: C T & T

SHOWING INSTR. Call 1st

Key # 10

F.I.A. ☒ YES ☐ NO

Exhibits to Answers to Interrogatories

193-56

239 Zuelke Drive

Bellwood

Brick

Bi-Level

40 x 105 FP

6

3

1 1/2

Cent. air

2-CAR

5650

Street lights

NO. 1

Recreation room - utility room - 1/2 bath

1st Living rm, dining rm, kitchen, 1 bedroom, ceramic tile bath

2nd 2 bedrooms

90 days after closing

McKinley - St. Simon - Proviso West

Northwestern

None

INCLUSIONS AND PERSONAL PROPERTY: Central air; hardwood floor; wall to wall carpeting in living room, dining room & hall. Drapes in living room & dining room. Built-in oven/range. Aluminum storms & screens.

NO FHA -- Seller will consider VA

OWNER: DELLUTRI, Robert J. & Darlene

BUS. PHONE: 544-3021

RES. PHONE: 544-6800

EXCLUSIVE AGENT: GLADSTONE, REALTORS - Berkeley

SALES PERSON: JO

TITLE FORM: C T & T

SHOWING INSTR. Call first

F.I.A. ☐ YES ☐ NO

201-56

338 S. 32nd Ave.

Bellwood

Brick

Ranch

42 x 129

5

3

1

Central air

2-CAR

5630

Street lights

NO. 1

Full

1st Living room, kitchen, 3 bedrooms, bath

2nd

90 days

Roosevelt

None

INCLUSIONS AND PERSONAL PROPERTY: Carpeting in living room, drapes in living room. Annings.

NO FHA or VA

OWNER: CRAZZINI, Frank A., Genevieve

BUS. PHONE: 544-8218

RES. PHONE: 345-6030

EXCLUSIVE AGENT: GOLZ REALTY

SALES PERSON: [Signature]

TITLE FORM: Torrens

SHOWING INSTR. Call

F.I.A. ☐ YES ☐ NO

Exhibits to Answers to Interrogatories

This information is considered accurate but no warranty is made as to the accuracy of the listing. The listing may be changed without notice.	ADDRESS: 2632 S. 11th	LOT SIZE: 51 x 136	LIV. AREA: 6-4	CODE: 415-57
	CITY: Broadview	NO. OF BDR: 7	BATHS: 3	HEAT: GAS FA
	CONSTR: Brick	STYL: Tri-Level	SPR. ASMT: 1 CT	COST: 45,000
	M-D: P	BUILT: 1950	SPR. ASMT: 1 CT	GARAGE: 2-CAR
	REMARKS: 21 yrs. old. Tyson			
	REMARKS: Half - Recreation rm. Sump pump			
	1st Living room, dining room, kitchen, Den			
	2nd 2 bedrooms			
	3rd 1 bedroom			
	REMARKS: 60 days a/c or to be arranged REASON FOR SALE: Smaller			
	SCHOOL: Lindop - St. Eulalia - Proviso East			
	MTC. AVAILABLE:			
	REMARKS: INCLUSIONS AND PERSONAL PROPERTY: Wall to wall carpeting throughout. Garage has water & electric. Draperies, shades(except living room drapes. Built-in oven & range. Dryer. Double S/S sink. Modern kitchen & bath. 25 x 10 patio with canopy. Humidifier. Storage space galore. Yard with fruit trees. Immaculate home. A pleasure to show!			
	TITLE FORM: C T & T			
	SHOWING INSTR. Call first			
	F.I.A. <input type="checkbox"/> YES <input type="checkbox"/> NO			
	OWNER: PULCIANI, Tony & Lucille			
	BUS. PHONE: F13-6428			
	RES. PHONE: 562-6500			
	EXCLUSIVE AGENT: GLADSTONE, REALTORS-Westchester			
	SALES PERSON: CH			

382-56

This information is considered accurate but no warranty is made as to the accuracy of the listing. The listing may be changed without notice.	ADDRESS: 110 Eastern Avenue	LOT SIZE: 35 x 145	LIV. AREA: 6-4	CODE: 382-56
	CITY: Bellwood	NO. OF BDR: 5	BATHS: 3	HEAT: GAS FA
	CONSTR: Brick	STYL: BI-Level	SPR. ASMT: 1 PT	COST: 35,500
	M-D: P	BUILT: 1950	SPR. ASMT: 1 PT	GARAGE: 2-CAR
	REMARKS: 1950			
	REMARKS: Partial			
	1st Living room, kitchen, 3 bedrooms & full bath			
	2nd 1 bedroom.			
	REMARKS: VA. C.R.V. - 30.000			
	REMARKS: VA. 09 1/2			
	REMARKS: IMMEDIATE AT CLOSING			
	SCHOOL: McKinley - St. Simeon			
	MTC. AVAILABLE:			
	REMARKS: INCLUSIONS AND PERSONAL PROPERTY: Garage has electronic door opening device. Aluminum S/S & 2 aluminum S/S doors. Outdoor TV antenna. Cyclone fence. Air conditioner in living room. Fibreglass & aluminum canopy over patio. 1 fibreglass & aluminum canopy over side entrance. 2 fibreglass & aluminum awnings on South side of building.			
	HOME IS IN SPOTLESS CONDITION BOTH INSIDE & OUTSIDE			
	Maywood Proviso State Bank, Trustee Trust #3359			
	OWNER: GOLZ, F. T. Sole Beneficiary.			
	BUS. PHONE: 345-6030			
	RES. PHONE: 345-6030			
	EXCLUSIVE AGENT: GOLZ REALTY			
	SALES PERSON:			
	TITLE FORM: C T & T			
	SHOWING INSTR. Key Q Golz Realty			
	F.I.A. <input type="checkbox"/> YES <input type="checkbox"/> NO			

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Exhibits to Answers to Interrogatories

This information is considered accurate but no warranty is made as to the accuracy of the listing. The listing may be changed without notice.	ADDRESS: 2118 S. 19th Avenue	LOT SIZE: 37 x 125	LIV. AREA: 6-4	CODE: 498-57
	CITY: Broadview	NO. OF BDR: 6	BATHS: 3	HEAT: GAS FA
	CONSTR: Brick	STYL: Georgian	SPR. ASMT: 1 CT	COST: 34,900
	M-D: P	BUILT: 1950	SPR. ASMT: 1 CT	GARAGE: 1 1/2-CAR
	REMARKS: Full - painted wall & floor - toilet-recreation rm.-partially paneled & tiled ceiling.			
	1st Living rm, dining room, kitchen			
	2nd 3 bedrooms.			
	REMARKS: 11-20-75			
	SCHOOL: Roosevelt			
	MTC. AVAILABLE:			
	REMARKS: INCLUSIONS AND PERSONAL PROPERTY: Tiled kitchen. Rug in living room & dining room. Flood control. Tiled bath with vanity sink. New roof. Cyclone fence. 2 aluminum doors. 8 fiberglass awnings. S/S storm.			
	NO FHA or VA			
	OWNER: MARKOWSKI, Florian & Eva			
	BUS. PHONE: F13-4368			
	RES. PHONE: 343-4230			
	EXCLUSIVE AGENT: KOULES REALTY INC.			
	SALES PERSON:			
	TITLE FORM: C T & T			
	SHOWING INSTR.			
	F.I.A. <input type="checkbox"/> YES <input type="checkbox"/> NO			

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*Exhibits attached to Interrogatories***EXHIBIT 4: SALES AUDIT REPORT FORM**

Auditor's Race Black

Auditor's Name: John R. Lindsey

Auditor's Address: 7343 S. Prairie

Auditor's Phone Number: 224-5512

Real Estate Firm's Name: Gladstone

Phone Number: 544-6800

Real Estate Firm's Address: 5331 St. Charles Rd.

Date And Time Of Inquiry: Sat. 10:30 A.M. 9/20

Real Estate Agent's Name: Donald H. Wagner

Addresses And Listing Prices Of Properties Offered For Sale:

	Address	Price
1.	1101 E. 30th Bellwood	39, 5
2.	1020 Cernan Bellwood	42, 9
3.	214 Eastern Bellwood	41, 5
4.	2632 S. 11th Broadview	45, 0
	1800 Norfolk Westchester	44, 9

Addresses And Listing Prices Of Properties Seen:

	Address	Price
1.
2.
3.
4.

Information Given To The Agent By The Auditor:

Name: John Lindsey Phone Number: 224-5512

Address: 7343 S. Prairie Ave.

Family Size: Three

Income: 20,000 Downpayment: 10,000

Present Home Sold Or Up For Sale? Yes

Credit Information (if any): None

Exhibits attached to Interrogatories

State Exactly What You Asked For When You Entered The Real Estate Office:

See below

State In A Narrative Form Your Conversation With The Real Estate Agent:

J R L to Mr. Donald H. Wagner "I'm shopping for a relatively new home in the \$35,-\$45,000 range. Mr. W. very friendly—I'm sure we can help you. Would you care to look thru the book yourself? Mr. W. most the homes in your price range will be in Bellwood. Westchester prices are higher. I believe there are over priced but that's their prices." I chose 3 from Bellwood 1 Broadview and 2 Westchester. All between 35-45,000. Mr. W.: perhaps I should call in the one in question. He did. He was told by phone it wasn't available, thus he threw it away. (the copy)

After receiving a map and some more conversation I left. There was another black male there while I was there. I waited for him nearly an hour then left.

Exhibits to Answers to Interrogatories

429-56

This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.

ADDRESS: 213 S. 49th Avenue
CITY: Bellwood
CONSTR: Brick
STYLE: Tri-Level
P.O.:
BUILT: BLDR:

LOT SIZE: 40 x 135
RMS: 6 BDR: 3 BATH: 1
TAXES: \$535
SPEC. ASMT: None
HEAT: GAS FA
COAT: 2-CBR
A.S.:

CODE 429-56
6-4
\$42,000

PAGES

ROOM SIZES:
LR 15 x 15
BR 11 x 13
BR 12 x 9
BR 11 x 11
BR 9 x 8
BR 10 x 12
DH

DEMT: Half
1st Living room, kitchen
2nd 2 bedrooms, bath
3rd 1 bedroom, bath

POSSESSION: 30 days a/c
REASON FOR SALE: Transfer
SCHOOL: Jefferson
MUT. AVAILABLE:
MORTGAGE:
INCLUSIONS AND PERSONAL PROPERTY:
Wall to wall carpeting thruout, excluding kitchen. Aluminum S/S/SD. Range; all window coverings.

TITLE FORM: CT & T
SHOWING INSTR. Call list

P.O.A. ☐ YES ☐ NO

OWNER: HRTZ, Robert & Carol
BUS. PHONE: 547-7572
EXCLUSIVE AGENT: CENTURY 21-MILLSIDE REALTY
SALES PERSON: [Logo] PHONE: 544-9180

Exhibits to Answers to Interrogatories

490-57

This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.

ADDRESS: 1020 Curnan
CITY: Bellwood
CONSTR: Brick
STYLE: Tri-Level
P.O.:
BUILT: BLDR:

LOT SIZE: Approx 40 x 115
RMS: 6 BDR: 3 BATH: 1 1/2 CT
TAXES: \$650
SPEC. ASMT: To be pd by owner
HEAT: GAS FA
COAT: 2-CBR
A.S.:

CODE 490-57
5-5
\$42,900

PAGES

ROOM SIZES:
LR 12 x 17
BR 11 x 11
BR 12 x 10
BR 13 x 10
BR 13 x 10
BR 11 x 10
DH

DEMT: Recreation room
1st Living room, dining room, kitchen, 1 bedroom
2nd 2 bedrooms.

POSSESSION: Immediately
REASON FOR SALE: Relocating
SCHOOL: Lincoln
MUT. AVAILABLE:
MORTGAGE:
INCLUSIONS AND PERSONAL PROPERTY: Beautifully decorated. Wall to wall carpeting in living room & dining room & 3 bedrooms. Drapes in living room & dining room. Aluminum S/S. Awning over patio in back yard. Sod & evergreens; fenced yard; aluminum downspouts & gutters. Central air conditioning & water softener.

TITLE FORM: CT & T
SHOWING INSTR. Call list

P.O.A. ☐ YES ☐ NO

OWNER: PICARDI, Charles & Phyllis
BUS. PHONE: 547-9456
EXCLUSIVE AGENT: DWAYNE REALTY
SALES PERSON: JC [Logo] PHONE: 562-4300

448-56

This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.

ADDRESS: 214 .. Eastern
CITY: Bellwood
CONSTR: Brick
STYLE: Bi-Level
P.O.:
BUILT: BLDR:

LOT SIZE: Approx 40 x 145
RMS: 6 BDR: 3 BATH: 1 CT
TAXES: \$721
SPEC. ASMT: Oversized a.p. side drl
HEAT: Oil FA
COAT: 2-CBR
A.S.:

CODE 448-56
6-4
\$41,500

PAGES

ROOM SIZES:
LR 19 x 12
BR 11 x 15
BR 10 x 10.6
BR 10 x 12
BR 11 x 14
Pep 21 x 16
DH

DEMT: Half + crawl
1st Living rm, Kitchen/Dining 2 bedrooms, bath family room.
2nd 1 bedroom + floored attic - Storage - Thermostatic controlled fan

POSSESSION: Mid October of to be arranged
REASON FOR SALE: Relocating
SCHOOL: St. Simeon - McKinley
MUT. AVAILABLE:
MORTGAGE:
INCLUSIONS AND PERSONAL PROPERTY: OWNER ANXIOUS - SUBMIT ALL OFFERS
Central air conditioning - many extras. Home is newly & beautifully decorated & in move-in condition. New roof on dormer. Attic has thermostatically controlled fan which helps cut heating & air conditioning bills. Wood cabinets in kitchen.
HOME HAS COUNTRY-LIKE SETTING WITH REDWOOD FENCE. Large lot & yard magnificently landscaped. Bar-B-Que Grill HOME HAS EVERYTHING SEEING A MUST

TITLE FORM: CT & T
SHOWING INSTR. Call list

P.O.A. ☐ YES ☐ NO

OWNER: CIBIC, Robert & Darlene
BUS. PHONE: 547-7346
EXCLUSIVE AGENT: DWAYNE REALTY
SALES PERSON: CS [Logo] PHONE: 562-4300

Exhibits to Answers to Interrogatories

415-57 (51)

This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.

ADDRESS: 2632 S. 11th
CITY: Bensenville
CONSTR: Brick
STYLE: Tri-Level
P.D.: P
BLDG: 21 YRS w/air: Tyson

LOT: 51 x 134
RMS: 7
BED: 3
BATH: 1 CT
TAXES: 5526
SPEC. ADVT: --
HEAT: GAS FA
COOL: air
GARAGE: 2-CAR
M-41

CODE: 1-5-57
6-4
\$ 75,000

PAGES:
ROOM SIZES:
LN 17 x 15
BR 10 x 15
K 13 x 12.6
BA 24 x 15
DR 12 x 9.6
OR 13.6 x 9
BR 0.A. 12.6 x 25.6
DEN 10 x 15

1st: Hall - Recreation rm. Sump pump
2nd: Living room, dining room, kitchen, Den
3rd: 2 bedrooms
4th: 1 bedroom

POSITION: 60 days a/c or to be arranged
REASON FOR SALE: Smaller
SCHOOL: Lindup - St. Eulalia - Proviso East
BUS: --
MORTGAGE: --

INCLUSIONS AND PERSONAL PROPERTY: Wall to wall carpeting throughout. Garage has water & electric. Draperies, shades (except living room drapes). Built-in oven & range. Dryer. Double S/S sink. Modern kitchen & bath. 25 x 10 patio with canopy. Humidifier. Storage space galore. Yard with fruit trees. Immaculate home. A pleasure to show!

OWNER: PULCIANI, Tony & Lucille
BUS. PHONE: 513-6428
RES. PHONE: 562-6500
EXCLUSIVE AGENT: GLADSTONE, REALTORS-Westchester
SOLD PERSON: CH

F.I.C.A. ☐ YES ☐ NO

486-56

This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.

ADDRESS: 1800 Norfolk
CITY: Westchester
CONSTR: Brick
STYLE: Georgian
P.D.: --
BLDG: --

LOT: 50 x 125
RMS: 6
BED: 3
BATH: 1
TAXES: 780
SPEC. ADVT: None
HEAT: GAS FA
COOL: --
GARAGE: 2-CAR
A-1

CODE: 486-56
6-4
\$ 44,900

PAGES:
ROOM SIZES:
LN 15.2 x 12.8
OR 13.5 x 10.3
K 10.5 x 10.9
BA 12.8 x 9.8
DR 15.4 x 10.7
BR 10 x 12
BR --
DEN --

1st: Full - paneled recreation room - utility room.
2nd: Living room, dining room, kitchen
3rd: 3 bedrooms & bath

POSITION: 30 days after closing
REASON FOR SALE: Smaller home
SCHOOL: CTA - Westtowns - 4 blks
BUS: --
MORTGAGE: --

INCLUSIONS AND PERSONAL PROPERTY: Wall to wall carpeting in the living room, dining room & staircase. Aluminum S/S/SD. All window coverings.

OWNER: ZAJAC, Paul
BUS. PHONE: 343-2465
RES. PHONE: 544-9130
EXCLUSIVE AGENT: CENTURY 21-HILLSIDE REALTY
SOLD PERSON: CH

F.I.C.A. ☐ YES ☒ NO

Exhibits to Answers to Interrogatories



Exhibits to Answers to Interrogatories

491-56 (56)

491-56	ADDRESS: 1101 S. 30th	LOT: 1/2 x 100	LIV. AREA: 6-4	CODE: 491-56
City: Bellwood	ROOMS: 6	BATHS: 3	PAVING: 1 1/2-CT	PRICE: \$39,500
CONSTR: Brick	STYL: Bi-Level	TAXES: \$780	SPEC. AGENT: N.D.E.T.	PAGES: West
REMARKS: Half - recreation room, 1/2 bath, laundry room 1st Living room, dining room, kitchen, bath, bedroom 2nd 2 bedrooms	POSITION: 90 days after closing or TBA reason for sale SCHOOL: Proviso West PUSH: M.T.P. AVAILABLE: E1	ROOM MEAS: LR 17 x 12 DR 10 x 10 H 12 x 10 BR 13 x 10 BR 13 x 10 BR 11 x 10 BR DR DEN	TITLE FORM: C T & T SHOWING INSTR.	
MORTGAGE: INCLUDING AND PERSONAL PROPERTY: Wall to wall carpeting. All rooms except kitchen. Stove, hardwood floors, drapes & curtains throughout. Cone fireplace in recreation room; built-in sleeves. Swag lamps and 2 built-in air conditioners do not stay.				
OWNER: WAGNER, David & Linda		BUS. PHONE: 547-0373	CB	
EXCLUSIVE AGENT: GLADSTONE, REALTORS-Berkley		PHONE: 544-6800		
SALES PERSON: DM				

Exhibits attached to Interrogatories

ADVANCE AUDITING MATCHUPS

Name John Lindsey Address

Phone Race

Real Estate Firm To Be Visited

Address Date Of Visit Time

Personal Information Auditor Will Give To Real Estate Agent

Name Present Address

Phone Employed By

Address Business Phone

Job Description Salary

Transferred From

Number Of Children Boys Girls Ages Grade

Information Auditor Will Give Regarding Real Estate Inquiry

Price Range Of Inquiry 30,000-40,000

Number Of Bedrooms 3 Bedroom

Type Of Unit, i.e., brick, frame etc. brick—circled

Location

Amount Of Down Payment 8,000-10,000

Present Home Sold Or Up For Sale

Hintze Realty—10150 Roosevelt Road

Westchester, Ill.

Gladstone—5331 St. Charles Berkley

Exhibits attached to Interrogatories

**LEARN
REAL ESTATE
A Comprehensive 30 Hour
License Preparatory Course
Offered By
Gladstone School
of Real Estate**

EXHIBIT 4: SALES AUDIT REPORT FORMAuditor's Race **Black**Auditor's Name: **Lonnie M. Randolph**Auditor's Address: **12101 So. Emerald Chicago, Ill.**Auditor's Phone Number: **928-6556**Real Estate Firm's Name: **Gladstone Realtors**Phone Number: **544-6800**Real Estate Firm's Address: **5331 St. Charles Rd.
Berkeley, Ill. 60163**Date And Time Of Inquiry: **9/20/75 between 11:45 &
12:15**Real Estate Agent's Name: **Beverly Ricchiuto—Female**
Addresses And Listing Prices Of Properties Offered For
Sale:

	Address	Price
1.
2.
3.
4.

Addresses And Listing Prices Of Properties Seen:

	Address	Price
1.
2.
3.
4.

Exhibits attached to Interrogatories

Information Given To The Agent By The Auditor:

Name: **Lonnie M. Randolph** Phone Number: **928-6556**Address: **None**Family Size: **Four**Income: **28-35,000 (combined)** Downpayment: **10,000**Present Home Sold Or Up For Sale? **Renting with buying
option**Credit Information (if any): **None**State Exactly What You Asked For When You Entered
The Real Estate Office:Hi, my name is Lonnie Randolph and I am interested in
purchasing a home in this area.State In A Narrative Form Your Conversation With The
Real Estate Agent:

I inquired about available homes in area. She introduced herself and preceded to take out a black binder approximately 4 x 8 with listings of all available homes. She showed me pictures and prices, whereas she preceded to pick out some available homes for showing, while I preceded to pick out some in the other binder. Appointment was set for 9/21 at 11 A.M. Whereupon the agent would showed the available homes picked out to my wife and myself.

P.S. I think they knew I was coming.

—Had Equal Opportunity sign up.

—very friendly

—Favortism toward Bellwood.

**LEARN REAL ESTATE
A Comprehensive 30 Hour
License Preparatory Course
Offered By
GLADSTONE SCHOOL
OF REAL ESTATE**

Exhibits to Answers to Interrogatories

490-57

This information is considered accurate but we accept no liability for errors. The listing may be used without notice.

ADDRESS: 1020 Cornan
CITY: Bellwood
CONSTR: Brick
STYLE: Tri-Level
P-D: D
BUILT: 1965

LOT SIZE: Approx 40 x 115
RMS: 6
BED: 3
BATHS: 1 1/2 CT
HEAT: GAS FA
COST: \$5,300
TAXES: \$650
SPEC. ASMT: To be pd by owner
GARAGE: 2-car
A.D.:

LIV. AREA: 5-5
CODE 490-57
6-4
\$4,300

PAGES: 5

REMY: Recreation room
1ST: Living room, dining room, kitchen, 1 bedroom
2ND: 2 bedrooms.

POSSESSION: Immediately
SCHOOL: Lincoln
BUS: West Town
MORTGAGE: None

REASON FOR SALE: Relocating
MTC: AVAILABLE

INCLUSIONS AND PERSONAL PROPERTY: Beautifully decorated. Wall to wall carpeting in living room & dining room & 3 bedrooms. Drapes in living room & dining room. Aluminum S/S. Awning over patio in back yard. Sod & evergreens; fenced yard; aluminum downspouts & gutters. Central air conditioning & water softener.

TITLE FORM: C T & T
SHOWING INSTR: Call first

P.A. YES ☐ NO ☐

OWNER: PICARDI, Charles & Phyllis
BUS. PHONE: 547-9456
RES. PHONE: 562-4300
EXCLUSIVE AGENT: DWAYNE REALTY
SALES PERSON: JC

400-30

This information is considered accurate but we accept no liability for errors. The listing may be used without notice.

ADDRESS: 3101 St. Charles Road
CITY: Bellwood
CONSTR: Brick
STYLE: Raised Ranch
P-D: P
BUILT: 1968

LOT SIZE: 35 x 125
RMS: 5
BED: 3
BATHS: 1-3/4
HEAT: GAS FA
COST: \$43,900
TAXES: \$680.01
SPEC. ASMT: Will be paid
GARAGE: 2-car
A.D.:

LIV. AREA: 6-4
CODE 400-30
\$43,900

PAGES: 5

REMY: Full - paneled recreation room - 3/4 bath - utility room
1ST: Living rm, kitchen and dining area, 3 bedrooms & bath
2ND:

POSSESSION: 90 days or sooner
SCHOOL: McKinley - St. Simeon
BUS: West Town - 1 block
MORTGAGE: Central Fed. S/L

REASON FOR SALE: None
MTC: AVAILABLE

INCLUSIONS AND PERSONAL PROPERTY: CENTRAL AIR CONDITIONED
Wall to wall carpet in living room & stairs. Curtains, drapes & shades. DRAPES IN LIVING ROOM DO NOT STAY. Built-in oven & range. BAR IN REC. ROOM DOES NOT STAY. Aluminum baked enamel soffits. S/S & S/Doors. Cyclone fenced yard.
A QUALITY BUILT HOME VERY WELL MAINTAINED Many Extras

TITLE FORM: C T & T
SHOWING INSTR: Call first

P.A. YES ☒ NO ☐

OWNER: ARISPE, Ralph V. & Theresa
BUS. PHONE: 544-8776
RES. PHONE: 314-0880
EXCLUSIVE AGENT: CENTURY 21, KATIE REALTY
SALES PERSON: TTR

Exhibits to Answers to Interrogatories

962-W6

This information is considered accurate but we accept no liability for errors. The listing may be used without notice.

ADDRESS: 235 So. 32nd Avenue
CITY: Bellwood
CONSTR: Brick
STYLE: Bi-Level
P-D: D
BUILT: 1965

LOT SIZE: 45 x 125
RMS: 7
BED: 3
BATHS: 1+
HEAT: GAS FA
COST: \$660.26
TAXES: \$250.88
SPEC. ASMT: None
GARAGE: 2-car
A.D.:

LIV. AREA: 6-4
CODE 962-W6
\$4,290.00

PAGES: 5

REMY: Recreation rm & utility rm & crawl space - storage & powder room.
1ST: Living room & dining room "L" shaped, kitchen, 1 bedroom, bath
2ND: 2 bedrooms

POSSESSION: a/c
SCHOOL: McKinley - Proviso West - St. Simeon
BUS: Northwestern
MORTGAGE: None

REASON FOR SALE: Relocating
MTC: AVAILABLE

INCLUSIONS AND PERSONAL PROPERTY: Wall to wall carpeting in "L" shaped living room, dining room & stairway. Built-in oven & range. Stainless steel S/S - ovens. Living room mirror does not stay.

TITLE FORM: C T & T
SHOWING INSTR: Call first

P.A. YES ☐ NO ☐

OWNER: KOWALSKI, George & Audrey
BUS. PHONE: 547-9532
RES. PHONE: 544-6800
EXCLUSIVE AGENT: GLADSTONE, REALTORS - B
SALES PERSON: BB

30-S-6

This information is considered accurate but we accept no liability for errors. The listing may be used without notice.

ADDRESS: 5935 Maple Avenue
CITY: Berkeley
CONSTR: Face Brick
STYLE: Bi-Level
P-D: P
BUILT: 1965

LOT SIZE: 80 x 125
RMS: 8+
BED: 3+
BATHS: 3/4
HEAT: GAS FA
COST: \$820
TAXES: \$820
SPEC. ASMT: None
GARAGE: 2-car
A.D.:

LIV. AREA: 6-4
CODE 30-S-6
\$69,900

PAGES: 5

REMY: 23 x 12 (Irreg) Carpeted Rec. rm, Kit. & BR
1ST: Living room, dining rm, kitchen & enclosed porch
2ND: 3 bedrooms & full ceramic bath (double vanity)
Grade level: Paneled recreation rm w/gas fireplace & bar (18 x 14), utility rm, 3/4 & 3/4 baths & office or trophy rm, 2 closets in rec. rm.

POSSESSION: 10-15-75
SCHOOL: Longfellow (lower grades) McArthur (Jr Hi) St. Domitilla, Proviso V
BUS: West Town on Taft
MORTGAGE: None

REASON FOR SALE: Relocating
MTC: AVAILABLE

INCLUSIONS AND PERSONAL PROPERTY: Rooms at either basement or grade recreation rm level are very suitable for in-law arrangement. Carpeting in living rm, dining rm, hall, stairways, 2 bedrooms & below grade rec. rm. All draperies & supporting fixtures on premises w/the exception of draperies in master bedroom. Dishwasher; disposal in kitchen. 2 aluminum storage sheds in back yard. Chain link fence. Aluminum storm & screens & S/S doors. (3). All inside shutters on premises. Gas Bar-B-Que in yard. Patio.

TITLE FORM: C T & T
SHOWING INSTR: Phone first
Key

P.A. YES ☐ NO ☐

OWNER: DOOLITTLE, John & Karen
BUS. PHONE: 544-0698
RES. PHONE: 345-6030
EXCLUSIVE AGENT: GOLZ REALTY
SALES PERSON:

Exhibits to Answers to Interrogatories

415-57 (62)

<p>This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.</p> <p>ADDRESS: 2632 S. 11th CITY: Broadview CONSTR: Brick STYLE: Tri-Level P.O.: P BUILT: 21 yrs ago. Tyson</p>	<p>LOT SIZE: 51 x 134 RMS: 7 BDR: 3 BATHS: 1 CT HEAT: GAS FA CENT. AIR TAXES: \$526 SPEC. ASMT: -- DAMAGE: 2-COF M.O.E.T.</p>	<p>LIV. AREA CODE: 415-57 6-4 \$ 45,000</p>
<p>RENT: Half - Recreation rm. Sump pump 1st Living room, dining room, kitchen, Den 2nd 2 bedrooms 3rd 1 bedroom</p>		
<p>POSSESSION: 60 days a/c or to be arranged REASON FOR SALE: Smaller SCHOOL: Lindop- St. Eulalia - Proviso East MTC: AVAILABLE: MORTGAGE: INCLUSIONS AND PERSONAL PROPERTY: Wall to wall carpeting throughout. Garage has water & electric. Draperies, shades (except living room drapes). Built-in oven & range. Dryer. Double S/S sink. Modern kitchen & bath. 25 x 10 patio with canopy. Humidifier. Storage space galore. Yard with fruit trees. Immaculate home. A pleasure to show!</p>		
<p>OWNER: PULCIANI, Tony & Lucille BUS. PHONE: 513-6428 EXCLUSIVE AGENT: GLADSTONE, REALTORS-Westchester SALES PERSON: CH PHONE: 562-6500</p>		

ROOM SIZES:
LN 17 x 15
DR 10 x 15
K 13 x 12.6
BR 24 x 15
BR 12 x 9.6
BR 13.6 x 9
O.A. 12.6 x 25.6
DEN 10 x 15

TITLE FORM: CT & T
SHOWING INSTR. Call first

P.O.A. YES NO

365-56

<p>This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.</p> <p>ADDRESS: 346 Orchard Avenue CITY: Hillside CONSTR: Face Brick STYLE: Bi-Level P.O.: P BUILT: 12 yrs. BLON: Monfelli</p>	<p>LOT SIZE: 70 x 165 RMS: 6 BDR: 3 BATHS: 1-3/4 HEAT: GAS HW CENT. AIR TAXES: \$820 SPEC. ASMT: None DAMAGE: 1-COF M.O.E.T.</p>	<p>LIV. AREA CODE: 365-56 6-4 \$ 55,000</p>
<p>RENT: Finished recreation room, office, laundry room, 3/4 bath 1st Living room, dining room, kitchen 2nd 3 bedrooms & full bath REDISTRIBUTED COPY</p>		
<p>POSSESSION: Immediate a/c REASON FOR SALE: Apartment SCHOOL: Hillside - Proviso West HS MTC: AVAILABLE: MORTGAGE: INCLUSIONS AND PERSONAL PROPERTY: Outside lights on timer. Radiant heat on first level. 2 air conditioners. Built-in oven/range, exhaust hood in kitchen. Carpeting in living room, dining room, hall & stairs. Aluminum doors & screens. Thermopane windows thruout. Large tool shed. Cedar fence. Dishwasher. Drapes & curtains in living room, dining room, kitchen, 1 bedroom & recreation rm. Timer controlled exhaust fan.</p>		
<p>OWNER: DE SANTIS, Albert J. & Inne F. BUS. PHONE: 544-1057 EXCLUSIVE AGENT: GULZ REALTY SALES PERSON: M PHONE: 345-6030</p>		

ROOM SIZES:
LN 18 x 13
DR 10.6 x 12
K 12.6 x 11.6
BR 15.6 x 11.6
BR 13 x 10
BR 11 x 10
PM 17 x 11
DEN

TITLE FORM: CT & T
SHOWING INSTR. Call first

P.O.A. YES NO

Exhibits to Answers to Interrogatories

155-WS (6-3)

<p>This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.</p> <p>ADDRESS: 1628 Highridge CITY: Westchester CONSTR: Brick STYLE: Ranch P.O.: P BUILT: 1957 BLON: Melvin</p>	<p>LOT SIZE: 54 x 125 RMS: 5 BDR: 2 BATHS: 1 HEAT: GAS FA CENT. AIR TAXES: \$708 SPEC. ASMT: DAMAGE: 2-COF M.O.E.T.</p>	<p>LIV. AREA CODE: 155-WS 6-4 \$ 48,900</p>
<p>RENT: Full - Recreation room with bar 1st Living room, dining room, kitchen, 2 bedrooms, bath 2nd</p>		
<p>POSSESSION: To be arranged REASON FOR SALE: Moving to Florida SCHOOL: Highridge, Divine Providence, Proviso West - Triton MTC: AVAILABLE: MORTGAGE: INCLUSIONS AND PERSONAL PROPERTY: Central air conditioning. Patio in yard. Awnings. Wall to wall carpeting in living room, dining room & one bedroom. All drapes, curtains & shutters. Aluminum soffits, gutters & fascia. Aluminum storms & screens. Range in kitchen & basement. Color TV antenna. Home is in excellent condition inside & out. Hanging shelf in living room does not stay.</p>		
<p>OWNER: NICKEL, William F., Frances BUS. PHONE: 562-5640 EXCLUSIVE AGENT: DWAYNE REALTY SALES PERSON: PK PHONE: 562-4300</p>		

ROOM SIZES:
LN 20 x 12
DR 10 x 9
K 10.6 x 13.9
BR 13.6 x 11.3
BR 10 x 11.3

TITLE FORM: CT & T
SHOWING INSTR. Always call

P.O.A. YES NO

458-57

<p>This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.</p> <p>ADDRESS: 2413 S. 22nd Avenue CITY: Broadview CONSTR: Brick STYLE: Tri-Level P.O.: P BUILT: 1954 BLON: Tyson</p>	<p>LOT SIZE: 50 x 125 RMS: 6 BDR: 3 BATHS: 1-3/4 HEAT: GAS FA CENT. AIR TAXES: \$690 SPEC. ASMT: None DAMAGE: 1-COF M.O.E.T.</p>	<p>LIV. AREA CODE: 458-57 5-5 \$ 45,000</p>
<p>RENT: Finished with recreation room 3/4 bath 1st Living room, kitchen, family room 2nd 2 bedrooms & bath 3rd 1 bedroom with built-ins</p>		
<p>POSSESSION: To be arranged REASON FOR SALE: Relocating SCHOOL: Lindop MTC: AVAILABLE: MORTGAGE: INCLUSIONS AND PERSONAL PROPERTY: All carpeting and window treatments. Gas grill; stereo speakers in basement. 5 year old addition. Fenced yard. Cedar lined closet in master bedroom. Carpeted patio. Natural woodwork. Awnings. NO FHA OR VA</p>		
<p>OWNER: JACOBSEN (BONKOWSKI) Frances R. BUS. PHONE: 344-0070 EXCLUSIVE AGENT: GLADSTONE, REALTORS-Westchester SALES PERSON: M PHONE: 562-6500</p>		

ROOM SIZES:
LN 14.8 x 16
DR 12 x 13
K 14.6 x 10
BR 13 x 9
BR 25.6 x 10
BR 10 x 25

TITLE FORM: CT & T
SHOWING INSTR. Call business before 5 PM to show

P.O.A. YES NO

*Exhibits attached to Interrogatories***EXHIBIT 4****SALES AUDIT REPORT FORM**

Auditor's Race: Black

Auditor's Name: Lonnie M. Randolph

Auditor's Address: 12101 So. Emerald, Chicago, Ill.

Auditor's Phone Number: 928-6556

Real Estate Firm's Name: Gladstone, Realtors

Phone Number: 562-6500

Real Estate Firm's Address: 10401 W. Cermak Rd.,
Westchester, Ill.

Date and Time of Inquiry: 1:30 P.M. (1 hr.) 9/20/75

Real Estate Agent's Name: Ted Wolnik

Addresses and Listing Prices of Properties for Sale:

	<i>Address</i>	<i>Price</i>
1.	Enclosed	.....
2.	.....	.....
3.	.....	.....
4.	.....	.....

Addresses and Listings of Properties Seen:

	<i>Address</i>	<i>Price</i>
1.
2.
3.
4.

Information Given to the Agent by the Auditor:

Name: Lonnie M. Randolph Phone Number: 928-6556

Address: 12101 So. Emerald

Family Size: 4

Income: — Downpayment: 8-10,000

Present Home Sold Or Up For Sale? Rent-Buying Option

Credit Information (if any): —

*Exhibits attached to Interrogatories*State Exactly What You Asked For When You Entered
The Real Estate Office:Hi! My name is Lonnie M. Randolph and I am in-
terested in buying a home.State In A Narrative Form Your Conversation With The
Real Estate Agent:

Agent ask my name, address and where I would be in-
terested in buying. I reply that I am unfamiliar with area,
so show me what you have. He proceeded to show me
several locations in Bellwood. When I inquired about Hill-
side, he negated question by saying that price was higher
in Hillside and not as ideal location as Bellwood. When I
mention that price was no problem, he still proceeded to
show me only Bellwood homes listed in black binder, from
which I picked out 3 or 4 homes and he picked out the
remainder of 7 in all as possibilities. These of which I
narrowed down to 4. Appointment was schedule for
Tuesday at 7 P.M. to bring wife to look at homes.

No sign up for Equal Housing.

— Took Direct Control of Discussion

—Lead Discussion All the Way

—Favortism Toward Bellwood

—Had Files on Villa Park and

—Also Had Document Files (14 Cabinets in All)

P.S. Also tried to sell me 6 flat apt. in Bellwood.

Exhibits to Answers to Interrogatories

458-56

1001 St. Charles Road
Bellwood
Brick
Raised Ranch
P.D. 1958 Bldg. Sunrise

LOT SIZE: 35 x 125
RMS: 5
BED: 3
BATH: 1-3/4
HEAT: GAS FA
COST: \$43,900
TAXES: \$680.01
SPEC. ASMT: Will be paid
GARAGE: 2-CAR
SIDE DRIVE

ROOM SIZES:
LR 16 x 18
DR 10 x 24.6
BR 12 x 11.3
BR 12 x 9.6
BR 10 x 9.6

POSSESSION: 90 days or sooner
REASON FOR SALE: SCHOOL: McKinley - St. Simeon
MORTGAGE: West Towns - 1 block
MORTGAGE: Central Fed. S/L

INCLUSIONS AND PERSONAL PROPERTY: CENTRAL AIR CONDITIONED
Wall to wall carpet in living room & stairs. Curtains, drapes & shades.
DRAPE IN LIVING ROOM DO NOT STAY. Built-in oven & range. BAR IN REC.
ROOM DOES NOT STAY. Aluminum baked enamel soffits. S/S & S/Doors.
Cyclone fenced yard.

A QUALITY BUILT HOME VERY WELL MAINTAINED Many Extras

OWNER: [REDACTED] BUS. PHONE: [REDACTED] RES. PHONE: [REDACTED]
EXCLUSIVE AGENT: [REDACTED] PHONE: [REDACTED]
SALES PERSON: [REDACTED]

TITLE FORM: CT & T
SHOWING INSTR. Call first

P.L.A. ☒ YES ☐ NO

Exhibits to Answers to Interrogatories

363-56

1005 Bellwood Avenue
Bellwood
Brick
6 Flat
P.D. 1958 Bldg. Sunrise

LOT SIZE: 50 x 125
RMS: 6
BED: 3
BATH: 1-3/4
HEAT: GAS FA
COST: \$43,900
TAXES: \$2,290
SPEC. ASMT: None
GARAGE: 2-CAR
SIDE DRIVE

ROOM SIZES:
LR 16 x 18
DR 10 x 24.6
BR 12 x 11.3
BR 12 x 9.6
BR 10 x 9.6

POSSESSION: 90 days or sooner
REASON FOR SALE: SCHOOL: McKinley - St. Simeon
MORTGAGE: West Towns - 1 block
MORTGAGE: Central Fed. S/L

INCLUSIONS AND PERSONAL PROPERTY: CENTRAL AIR CONDITIONED
Wall to wall carpet in living room & stairs. Curtains, drapes & shades.
DRAPE IN LIVING ROOM DO NOT STAY. Built-in oven & range. BAR IN REC.
ROOM DOES NOT STAY. Aluminum baked enamel soffits. S/S & S/Doors.
Cyclone fenced yard.

A QUALITY BUILT HOME VERY WELL MAINTAINED Many Extras

OWNER: [REDACTED] BUS. PHONE: [REDACTED] RES. PHONE: [REDACTED]
EXCLUSIVE AGENT: [REDACTED] PHONE: [REDACTED]
SALES PERSON: [REDACTED]

TITLE FORM: CT & T
SHOWING INSTR. Call first

P.L.A. ☒ YES ☐ NO

423-56

221 Zuelke Drive
Bellwood
Brick
Raised Ranch
P.D. 1958 Bldg. Sunrise

LOT SIZE: 40 x 100
RMS: 6
BED: 3
BATH: 1 CT-3/4
HEAT: GAS FA
COST: \$42,500
TAXES: \$652
SPEC. ASMT: Seller will pay
GARAGE: 2-CAR
SIDE DRIVE

ROOM SIZES:
LR 18 x 16
DR 24 x 10
BR 12.3 x 11.4
BR 12.3 x 9.9
BR 10.6 x 9.8
BR 12.5 x 11.6
BR 22 x 14

POSSESSION: December 2 or sooner
REASON FOR SALE: Bought
SCHOOL: McKinley - St. Simeon - Proviso West
MORTGAGE: West Towns

INCLUSIONS AND PERSONAL PROPERTY: CENTRAL AIR CONDITIONED
Aluminum storms & screens & doors. Built-in oven & range. Formica kitchen cabinets. All curtains & drapes & shades except in kitchen. All rods (no sheers). Carpeting in living room & hall. Water softener.

Very good in-law arrangement
NO FHA or VA

OWNER: [REDACTED] BUS. PHONE: [REDACTED] RES. PHONE: [REDACTED]
EXCLUSIVE AGENT: [REDACTED] PHONE: [REDACTED]
SALES PERSON: [REDACTED]

TITLE FORM: CT & T
SHOWING INSTR. Call first

P.L.A. ☒ YES ☐ NO

[illegible]

Auditor's Race: Cau.

Auditor's Name: Ed Powell

Auditor's Address: 111 S. 30th

Auditor's Phone Number: 544-7691

Real Estate Firm's Name: Gladstone, Realtors

Phone Number: 562-6500

Real Estate Firm's Address: 10401 W. Cermak Road,
Westchester, Ill.

Date and Time of Inquiry: 9/27/75 1:30 P.M.

Real Estate Agent's Name: William Jakes

Addresses and Listings of Properties Offered for Sale:

	<i>Address</i>	<i>Price</i>
1.	25 S. 49th, Bellwood	—
2.	521 S. 53rd, Bellwood	low 40's
3.	805 Norfolk, Westchester	low 40's
4.	2413 22nd, Broadview	.....
5.	2632 11th, Broadview	\$45,000

Addresses and Listing Prices of Properties Seen:

	<i>Address</i>	<i>Price</i>
1.	2444 13th, Broadview	\$34,000
2.	936 Marek, Bellwood	\$35,000
3.	.....	.....
4.	.....	.....

Information Given to The Agent by the Auditor:

Name: **Ed Powell** Phone Number: **885-2113**

Address: 159 Bode Road, Hoffman Estates

Family Size: 2 small children. 1 boy, 1 girl

Income: \$16 to 18,000 work on commission

Downpayment: \$10-12,000

Present Home Sold Or Up For Sale? rent

Credit Information (if any): none

Exhibits attached to Interrogatories

**State Exactly What You Asked For When You Entered
The Real Estate Office:**

3 bedroom, brick, between \$35-45,000.

State In A Narrative Form Your Conversion With The Real Estate Agent:

Salesman said there are some areas of Bellwood he did not want to show us because they were bad areas. When asked why they were bad, he said they were integrated.

When the home at 238 Zulke Drive was picked out he said that this was a integrated area. He went on to show us pictures of homes at 343-32nd and 235-32nd and said that these were good homes but also in an integrated area.

He then showed us a picture of a home at 346-31st. He said that he liked the home but he could not guarantee what the area would be like in a year or two.

After we were shown two homes we returned to the office. We again looked at the book.

We picked out a house at 1010 Cernan, the salesman looked at his map of Bellwood and then said this area is kind of nice.

I asked what kind of nice meant. He said that I must not have been following what he has been saying. He showed us the Bellwood map and pointed out the Zulke Drive area and where he had been showing me homes, he pointed to the western side of Bellwood on the map and said these are the better areas I would be shown. During this conversation the salesman said again the Zulke Drive area was integrated and the area around Cernan Drive was still alright but he would show us homes west of there.

Exhibits to Answers to Interrogatories

519-W/		(11)	
1976 Information is considered accurate but we accept no liability for errors. This may be without.		ADDRESS: 2958 Buckingham CITY: Westchester COUNTY: Brick & Cedar STYLE: Colonial P. O. # BUILT: 1967 BLDG: Kell	
LOT: 55 x 134 BLDG: 8 x 4 x 2 1/2 TAXES: \$1124 SPEC. ASMT: None		LIV. AREA: 1100 HEAT: GAS FA COOL: 933-W/ 6-4 GARAGE: 2-CAR A/C	
BMT: Full 1st Living rm, dining rm, kitchen/dinette, 1 bedroom, 1/2 bath, utility room 2nd 4 bedrooms, full bath & 3/4 bath		ROOM SIZES: LR 17 x 15 DR 11.6 x 10.6 BR 12 x 10 x 14 BR 14 x 15 BR 13 x 13 BR 11 x 13 BR 11 x 14 BR 10 x 10 D.A.	
POSSESSION: To be arranged SCHOOL: <i>Westchester</i> N.Y. N.Y. MORTGAGE: \$35,000 Harris Bank INCLUSIVE AND EXCLUSIVE PROPERTY: Wall to wall carpeting in ALL ROOMS. Drapes in living room & dining room & curtains & shutters in kitchen. Kitchen stove; dishwasher & garbage disposal. CENTRAL AIR CONDITIONING. Alum. S/S. Electric eye garage opener. Beautiful wood cabinets in kitchen.		REASON FOR SALE: Relocating BUS. PHONE: 562-9212 CB	
OWNER: BUDKAS, Robert R. & Penelope M. EXCLUSIVE AGENT: WM. E. GOREY REALTY SALE PERSON:		TITLE FORM: C T & T SHOWING INSTR.: Call first	

[illegible]

*Exhibits attached to Interrogatories***EXHIBIT 4****SALES AUDIT REPORT FORM**Auditor's Race: **Caucasian**Auditor's Names: **Charles Elliott & Kathleen Nichols**Auditor's Address: **3211 Jackson, 928 Bellwood**Auditor's Phone Number: **544-2803 547-0081**Real Estate Firm's Name: **Gladstone**Phone Number: **544-6800**Real Estate Firm's Address: **5331 St. Charles Rd. in
Berkeley 60163**Date and Time of Inquiry: **9-30-75, 7:30 P.M.**Real Estate Agent's Name: **James D. Doebling**Addresses and Listing Prices of Properties Offered for
Sale:

<i>Address</i>	<i>Price</i>
1. (Georgian) Westchester	\$44,900
("sold" when he called)	
2. (Ranch) Berkeley	\$42,900
3. (Ranch) Hillside	\$49,900
4. (Georgian) Hillside	\$44,000
(seller did not want to show house—had company)	

Addresses and Listing Prices of Properties Seen:

<i>Address</i>	<i>Price</i>
1.
2.
3.
4.

Information Given to the Agent by the Auditor:

Name: **Mr. & Mrs. Chuck Elliott** Phone Number **982-6000**Address: **Apartment in Skokie**Family Size: **2 children: 1 boy—4 years old, 1 girl—4½***Exhibits attached to Interrogatories*Income: **\$16,000**Downpayment: **\$10,000**Present Home Sold Or Up For Sale? **renting in Skokie**Credit Information (if any): **not asked**State Exactly What You Asked For When You Entered
The Real Estate Office:**3 bedroom brick home in the area. Price range \$38-\$42,000***** We did not mention any particular suburb.***State In A Narrative Form Your Conversation With The
Real Estate Agent:

Mr. Doebling stated that "he couldn't put us in Westchester*" but that his "prime trade" was Berkeley and Hillside homes and he gave us the book but pointed out several listings in Berkeley and Hillside. He was really pushing on one for \$49,900 in Hillside. Chuck asked why houses were more expensive in Westchester and he said that there was a large Bohemian population there that had "migrated" from Cicero and Berwyn and that Westchester was a step up from there and that the next step up economically from Westchester was Oakbrook. The broker asked us to come back on Saturday so we could see houses in daylight. During our period of the listings, the broker left the room a few times and said there was a meeting in progress that he had to check on. The explanation offered was that the home market was "tight" and the sales staff were soliciting listings by telephone. He didn't say where. He also had trouble getting an open telephone line to call the selling parties.

*Exhibits attached to Interrogatories***EXHIBIT 4****SALES AUDIT REPORT CHECK**

Auditor's Race: White

Auditor's Name: Charles Elliott & Vicki Simmons

Auditor's Address: 3211 Jackson St.—4004 Warren Ave—
Bellwood 60104

Auditor's Phone Number: 544-2803 & 544-4375

Real Estate Firm's Name: Gladstone Realtors

Phone Number: 562-6500

Real Estate Firm's Address: 10401 W. Cermak Rd.,
Westchester, Ill.

Date and Time of Inquiry: 9/14/75—approx 12:45 P.M.

Real Estate Agent's Name: Robert J. Casey

Addresses and Listing Prices of Properties Offered for
Sale:

	<i>Address</i>	<i>Price</i>
1.	515 S. 46th, Bellwood	\$39,500
2.	.....	.....
3.	2632 S. 11th, Broadview	\$45,000
4.	.....	.....

Addresses and Listing Prices of Properties Seen:

1.	515 S. 46th, Bellwood	\$39,500
2.	2632 S. 11th, Broadview	\$45,000
3.	.....	.....
4.	.....	.....

Information Given to the Agent by the Auditor:

Name: Mr. and Mrs. Charles Elliott

Phone Number: 982-6000—ext. 6678 (Work)

Address: 4901 Old Orchard Rd., Skokie, Ill.

Family Size: 2 pre school children

Income: Not Discussed Downpayment: \$10,000

Present Home Sold Or Up For Sale? Rent

Credit Information (if any): None—Work at Brunswick
Corp.—Skokie*Exhibits attached to Interrogatories*State Exactly What You Asked For When You Entered
The Real Estate Office:We stated that I was being transferred to Oakbrook
and was looking for a home in high 30's to low 40's. Only
preference was brick home with 3 bedrooms.State In A Narrative Form Your Conversation With The
Real Estate Agent:Mr. Casey began by saying he was flipping thru pages
of sales book, passing over homes in integrated neighbor-
hoods. He said he didn't know how we felt, he really
didn't care. We made no comment. He then said he
would show us houses only west, asking us what we thought
of La Grange Park. We said we didn't know area that
well.He then showed us two listings of homes in West Bell-
wood on south 46th & 47th Avenue. We indicated interest
in the home at 515 S. 46th in Bellwood. He then gave us
two listing books, one set up by town & one by price range.
We picked out a home in Broadview at 2632 S. 11th. He
called Mr. Lingrem, the owner of the home at 515 S. 46th
in Bellwood. He taped this phone conversation and played
it back for us. He said the tape recording would be used
for training salesmen. He then called the owner of the
home at 2632 11th, but nobody was home. He said we'd
take a ride to both houses.We were shown the home at 515 S. 46th but we told him
we didn't like it that much. On the way to the home in
Broadview, I asked Mr. Casey if there were homes in the
lower 30's. Mr. Casey stated that there were, but these
homes were not appreciating in value, and if you buy such
a home, when you're ready to sell you'll get 15 or \$20,000.I asked him if we could get Broadview home down in
price and he said we have good bargaining power with
our \$10,000 downpayment.*Charles Elliott*

Exhibits to Answers to Interrogatories

with 5
... money
2632 S 11th
515-57
294-515

415-57

This information is considered con- fidential and we ac- cept no liability for errors. The listing may be changed without notice.	ADDRESS: 2632 S. 11th	LOT SIZE: 51 x 134	LIV. AREA	CODE 415-57
	CITY: Broadview	NO. BTD. BATHS	HEAT. GAS FA	6-4
	CONSTR: Brick	7 3 1 CT	CENT. AIR	
	STYLE: Tri-Level	TAXES: 5526	SPEC. AGENT: --	GARAGE: 2-CAR
	P.O. P	BUILT: 21 yrs ago: Tyson	NO. DT.	PAGES
REMT: Half - Recreation rm. Sump pump 1st Living room, dining room, kitchen, Den 2nd 2 bedrooms 3rd 1 bedroom				
POSSESSION: 60 days a/c or to be arranged SCHOOL: Lindop St. Eulalia - Proviso East BUS: MORTGAGE:				
INCLUSIONS AND PERSONAL PROPERTY: Wall to wall carpeting throughout. Garage has water & electric. Draperies, shades (except living room drapes). Built-in oven & range. Dryer. Double S/S sink. Modern kitchen & bath. 25 x 10 patio with canopy. Humidifier. Storage space galore. Yard with fruit trees. <u>Immaculate home. A pleasure to show!</u>				
OWNER: PULCIANI, Tony & Lucille BUS. PHONE: F13-6428 CB EXCLUSIVE AGENT: GLADSTONE, REALTORS-Westchester PHONE: 562-6500 SALES PERSON: CH				

☐ YES
☐ NO

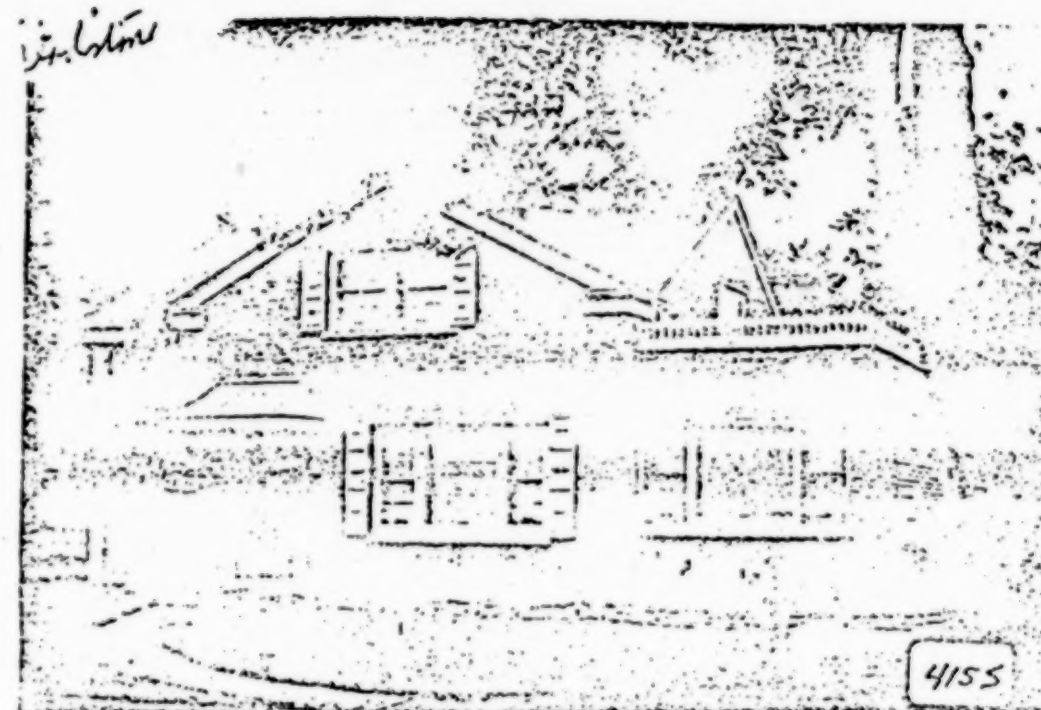
Exhibits to Answers to Interrogatories

Robert J. Casey
Sales Manager
Residence Phone: 562-5183



Gladstone, Realtors

16401 W. Cermak Road / Westchester, Illinois / 562-6500



Defendants' Motion for Summary Judgment

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT
(Filed July 6, 1976)

Defendants move pursuant to Rule 56(b) of the Federal Rules of Civil Procedure for a summary judgment on the following alternative grounds:

- (1) Plaintiffs have no actionable claim or standing to sue under the provisions of 42 U.S.C. § 3612 and 42 U.S.C. § 1982.
- (2) There is no case or controversy between the parties within the meaning of Article III of the Constitution.
- (3) The "prudential limitations" on the exercise of federal jurisdiction require that plaintiffs not be afforded standing to prosecute this case.

In support of this motion defendants rely on certain of plaintiffs' answers to interrogatories and responses to requests for admission. (Copies of the pertinent Interrogatory Answers and Responses to Request for Admission are attached as Exhibit A to this motion.)

Russell J. Hoover
Russell J. Hoover
One of the Attorneys
for Defendants

JENNER & BLOCK—
One IBM Plaza
Chicago, Illinois 60611
222-9350

Exhibit A to Motion for Summary Judgment

EXHIBIT A

The following are those portions of plaintiffs' Answers to Interrogatories and Response to Request for Admissions on which defendants rely to support their motion for summary judgment:

Requests For Admissions

A1. None of the individual plaintiffs who had conversations with the defendants had the intention at the time of said conversations of purchasing a home.

Answer: Admit.

A2. None of the individual plaintiffs who had conversations with the defendants informed the defendants that they were conducting an audit on behalf of the Leadership Council For Metropolitan Open Communities.

Answer: Admit.

A3. None of the individual plaintiffs has had any conversation or business contact with defendant Ted Wolnik.

Answer: Admit.

A4. None of the individual plaintiffs has had any conversation or business contact with defendant Beverly Richiuto.

Answer: Admit.

Answers to Interrogatories

I2. With respect to the allegations contained in paragraph 8 of the Complaint:

(a) Identify each act and/or communication of each defendant which you contend is evidence of an effort on his part to (influence the choice of prospective homebuyers on the basis of race.)

Answer: The acts of Defendants which allegedly violate 42 U.S.C. § 1982 and 42 U.S.C. § 3601 et seq. are the subject matter of the audit reports.

1) With respect to Plaintiff Edward Powell, See Appendix A.

Exhibit A to Motion for Summary Judgment

2) With respect to Plaintiff Mary P. Powell, See Appendix A.

3) With respect to Plaintiff Charles Elliott, See Appendix A.

4) With respect to Plaintiff Vicki Simmons, See Appendix A.

5) With respect to Plaintiff Joyce Perry, See Appendix A.

6) With respect to Plaintiff, Sandra J. Sharp, See Appendix A.

(b) Identify each act and/or communication of each defendant which you contend is evidence of his discouraging prospective black homebuyers from purchasing homes in white areas on the basis of race.

Answer: See answer to I2(a).

(c) Identify each act and/or communication of each defendant which you contend is evidence of his engaging in unlawful racial steering in violation of 42 U.S.C. § 1982 and 41 (sic.) U.S. § 3604.

Answer: See answer to I2(a).

(d) Identify each homebuyer who you contend used or sought to use the services of Gladstone Realtor and whose choice was influenced on the basis of race.

Answer: The plaintiff auditors were acting in the capacity of homebuyers. See Appendix A.

(e) Identify each homebuyer who used or sought to use the services of Gladstone Realtor who was discouraged from purchasing a home on the basis of race.

Answer: See answer to I2(d).

I6. With respect to each oral conversation between or among each plaintiff, or anyone purporting to act on his (their) behalf, and each defendant, or anyone purporting to act on his (their) behalf, from January 1, 1975 to the present time:

Exhibit A to Motion for Summary Judgment

(a) Identify the parties to the conversation.

Answer: See Appendix A.

(b) State the date of the conversation.

Answer: See Appendix A.

(c) State the location of the conversation and identify all persons present.

Answer: See Appendix A.

(d) If the conversation was by phone, state who called whom.

Answer: See Appendix A.

(e) State what was said by each party to the conversation or, if unable to do so, state the substance of what was said by each party to the conversation and indicate that it is the substance rather than the exact words that is being reported.

Answer: See narratives in audit reports, Appendix A. The individual plaintiffs have from time to time conversed with each other, however, the substance and dates of those conversations are not specifically available, but are embodied in Appendix A.

I7. Do plaintiffs contend that each of the defendants discouraged prospective black homebuyers from purchasing homes in white areas on the basis of race?

Answer: Yes, the individual plaintiffs in this matter were auditors acting in the capacity of homebuyers.

(a) If the answer is yes, with respect to each defendant identify the black homebuyer and state the date of the discouragement.

Answer: See Appendix A.

(b) If the answer is no, identify those defendants as to whom you claim such activity and with respect to each identify the black homebuyer and state the date of the discouragement.

Answer: Not applicable.

Motion for Leave to File Reply Brief

PROOF OF MAILING

I, Margrett Kontek on oath state that I served a copy of the foregoing Defendants' Motion For Summary Judgment by placing same in the envelope addressed to F. Willis Caruso, Esq., 470 S. Dearborn, Suite 1360, Chicago, Illinois 60605 ATTN. Horace Fox, Esq., with proper, pre-paid postage affixed thereto and by depositing same in the United States Government mail chute at One IBM Plaza, Chicago, Illinois on Tuesday, July 6, 1976 before the hour of 5:00 p.m.

Margrett Kontek

SUBSCRIBED AND SWORN to
before me this 6th day
of July, 1976.
Mary Oskroba
Notary Public
(Notary Seal)

Order and Memorandum Opinion

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title Omitted in printing.)

ORDER
(Filed September 23, 1976.)

Memorandum opinion filed. Defendants' motion for summary judgment is granted and the cause is ordered dismissed.

/s/ *Bernard M. Decker*
Judge

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

MEMORANDUM OPINION
(Filed September 23, 1976.)

The instant complaint alleges that the defendants, a real estate business and its salespersons and agents, engaged in the illegal practice of racial steering. This consists of efforts to influence the choice of prospective homebuyers on the basis of race by discouraging prospective black homebuyers from purchasing homes in predominantly white areas. The action is based upon Title VIII, the Fair Housing Act of 1968, 42 U.S.C. §3601 *et seq.*, and upon 42 U.S.C. §1982, the Civil Rights Act of 1866.

There are several plaintiffs. The six individual plaintiffs include four white residents of Bellwood, Illinois, and two blacks, one a resident of Bellwood, the other a resident of Maywood, Illinois. These plaintiffs were investigators who audited the defendant for compliance with

Memorandum Opinion

the civil rights statutes. In the process of this investigation, several of the plaintiffs¹ acted as testers, individuals who posed as prospective homebuyers in order to ascertain the practices of the realtor. They assert that they "have been denied their right to select housing without regard to race and have been deprived of the social and professional benefits of living in an integrated society" by means of defendants' challenged practices. The remaining plaintiffs are Leadership Council for Metropolitan Open Communities, a not-for-profit corporation charged with combatting housing discrimination, and the Village of Bellwood, a municipal corporation located in Cook County. The Leadership Council asserts that the challenged practices interfere with its work and purpose, and that it has been forced to expend sums "to provide an audit and other efforts to eliminate such unlawful acts." The Village of Bellwood complains that it "has been injured by having the housing market in (Bellwood) wrongfully and illegally manipulated to the economic and social detriment of the citizens of (Bellwood)."

Federal jurisdiction has been invoked in this case under 42 U.S.C. §3612 and 28 U.S.C. §§1343(4) and 2201. The defendants have moved for summary judgment.

The evidence before the court reveals that the plaintiffs lack standing to bring this action either under the 1866 Civil Rights Act or under 42 U.S.C. §3612. The plaintiffs have asserted that the acts which constitute the evidence of the alleged racial steering are those described in the audit reports. The instant case therefore does not involve

¹ Several of the testers seemingly were not plaintiffs, and the parties' briefs make it uncertain whether all of the plaintiffs were in fact testers. In any case it is nowhere claimed that any of the plaintiffs were in reality prospective homebuyers.

Memorandum Opinion

racial steering directed at actual home seekers. As a consequence, the plaintiffs can only claim to have suffered indirect injury from the actions of the defendants.

The factual circumstances and the legal issues of this case closely resemble the recently decided case of *Topic v. Circle Realty*, 532 F.2d 1273 (9th Cir. 1976). That action was also based upon 42 U.S.C. §1982 and upon the Fair Housing Act of 1968 by utilizing the jurisdiction provisions of 42 U.S.C. §3612. The plaintiffs included an unincorporated civil rights organization and three individual members. Using investigatory tactics similar to those employed by the Leadership Council in the instant case, Topic sent out housing testers to examine the business practices of real estate brokers in Torrance and Carson, California. The plaintiffs found evidence of racial steering; however, none "were actual homeseekers subjected to racial steering", 532 F.2d at 1274. The injuries complained of by the plaintiffs were substantially identical to those found in the instant complaint, with the obvious exception that the municipalities involved did not join in the *Topic* suit.

The district court determined that the §1982 claim should be dismissed,² and on interlocutory appeal, the Ninth Circuit held that the plaintiffs likewise lacked standing to bring an action under §3612 because that section "does not authorize lawsuits to vindicate the rights of third parties." 532 F.2d at 1275.

² The district court actually noted in a footnote that the plaintiffs could not prosecute a §1982 claim, but omitted the dismissal of that count in its order. The Ninth Circuit treated that as an oversight, and expressly affirmed the dismissal of the §1982 claim. 532 F.2d 1274 fn. 4.

Memorandum Opinion

The *Topic* suit, like the present case, asserted a violation of the substantive provisions of 42 U.S.C. §3604,³ which guarantees the right not to be discriminated against in the sale or rental of housing. The Ninth Circuit asserted that a cause of action under §3612 exists only for "the direct victims" of a practice proscribed by §3604. The plaintiffs in *Topic* were held not to be "direct victims".

³ Section 3604 provides:

"As made applicable by section 3603 of this title and except as exempted by sections 3603(b) and 3607 of this title, it shall be unlawful—

"(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin.

"(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, or national origin.

"(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any such preference, limitation, or discrimination.

"(d) To represent to any person because of race, color, religion, sex, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

"(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, or national origin."

Memorandum Opinion

The plaintiffs in the present case do not challenge the statutory construction reached by the Ninth Circuit.⁴ Their efforts to factually distinguish themselves from the *Topic* plaintiffs are halfhearted and unpersuasive. The inclusion of the municipality in the instant action does not alter the indirect nature of the grievances since Bellwood is challenging in *parens patriae* fashion actions to the detriment of its citizens.⁵

The legal complexities in *Topic* and the instant case arise from the fact that the Fair Housing Act contains two jurisdictional provisions §3610 and §3612. The former requires the performance of certain preliminary procedures before redress may be sought in federal court. These include the filing of a complaint with the Secretary of Housing and Urban Development. The Secretary is given time to investigate and to attempt an administrative resolution of the dispute. He is directed to give local authorities the first opportunity to resolve the controversy in the event

⁴ The plaintiffs do cite *Bell Realty v. Chicago Commission on Human Relations*, 130 Ill.App.2d 1072 (1st Dist. 1971), for the principle that minority testers have a cause of action if they are denied housing opportunities available to whites. However, that case in fact dealt with a license suspension under a Chicago ordinance. The question of standing under the Fair Housing Act was not even remotely at issue in that case, and the testers were in fact not parties to the proceeding.

On the other hand, the court notes that indirect victims of steering were seemingly allowed to proceed with an action under §3612 in *Zuch v. Hussey*, 394 F.Supp. 1028 (E.D.Mich. 1975). The *Zuch* court however did not consider the standing issue, and the well-reasoned *Topic* opinion is the only Court of Appeals decision dealing with this question.

⁵ The court does not reach the challenge raised by defendants to the standing of a municipal corporation under the Fair Housing Act.

Memorandum Opinion

that equivalent procedures are available under state or local law. Thirty days are set aside for conciliation efforts, and the action can be brought in federal district court only in the absence of substantially equivalent state law remedies. By contrast, §3612 provides immediate access to a federal forum without any such preconditions.

The Ninth Circuit carefully analyzed the relationship between these two jurisdictional sections, and determined that Congress intended that the "preferential access to judicial processes" found in §3612 be limited to "those individuals who are the primary victims of the illegal acts of discrimination." 532 F.2d at 1276. The Supreme Court has expansively defined the class of individuals with sufficient standing to bring an action under §3610. *Trafficante v. Metropolitan Life Ins.*, 409 U.S. 205 (1972). The Ninth Circuit properly notes that the procedural prerequisites of §3610 would become meaningless if both it and §3612 had identical standing requirements. The court considered that the conciliation processes of §3610 were particularly needed and appropriate in situations where there was no direct injury and "a delay in plaintiffs' access to court would not significantly worsen plaintiffs' injuries, if at all." 532 F.2d at 1276. To hold to the contrary would render meaningless the statutory pattern and create "a potential excess of litigation" by providing immediate access to federal court for both direct and indirect grievants.

The plaintiffs argue that their situation is more analogous to that found in *Trafficante*. But the Supreme Court only found the existence of standing under §3610; this action is based upon §3612 and upon a §1982 claim.⁶

⁶ The fact that the Supreme Court addressed the question of standing solely in the context of §3610 underscores the Ninth Circuit's conclusion that the standing requirements of §3612 may be more restricted.

Motion to Reconsider

Trafficante had originally been brought under both 42 U.S.C. §§3610 and 3612 and under 42 U.S.C. §1982. 446 F.2d 1158, 1161 (9th Cir. 1971). The Ninth Circuit held that the plaintiffs lacked standing under the Fair Housing Act provisions and under §1982. In reversing that decision, the Supreme Court expressly did not consider that part of the holding dealing with standing under §1982. 409 U.S. 205 at 208, fn. 8. Thus *Trafficante*, rather than supporting plaintiffs' claim under the 1866 Act, in fact argues against their contention. And both the district court and the Ninth Circuit seemingly agreed in *Topic* that an indirect injury was not protected by §1982.

Inasmuch as the court concludes that the plaintiffs lack standing to present their claim either under the 1866 Act or under the jurisdictional provisions of §3612, the motion for summary judgment in behalf of the defendants should be and hereby is granted and the cause is dismissed.

ENTER:

Bernard M. Decker

United States District Judge

DATED: September 23, 1976.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

MOTION TO RECONSIDER
(Filed October 4, 1976.)

Now comes Plaintiffs, Village of Bellwood, The Leadership Council For Metropolitan Open Communities, Edward Powell, Mary Powell, Charles Elliott, Vicki Simmons, Sandra Sharp and Joyce Perry by their attorneys, F. Willis Caruso, Horace Fox and Marie V. Sanon and respectfully

Motion to Reconsider

requests this honorable Court to reconsider its Dismissal Order in this action heretofore entered on September 23, 1976.

In support of this motion, plaintiffs state as follows:

1. Plaintiffs did and do challenge the *Topic* decisions' statutory construction. However, an alternative theory was also presented, to wit; if the Court felt bound by *Topic*, the instant case was distinguishable.

2. Plaintiffs disagree with the proposition that the legislative history of 42 U.S.C. §3610 and §3612 delineates a different standing requirement for §3612 than it does for §3610.

3. Notwithstanding the fact that the Court in *Zuch v. Hussey*, 394 F.Supp. 1028 (E.D. Mich. 1975) did not specifically consider the standing issue in that racial steering case, those plaintiffs were allowed to proceed under 42 U.S.C. §3612.

4. We believe the municipality has standing in its own right or in a representative capacity to maintain this suit. *Warth* 43 L.W. 4912.

/s/ *Horace Fox, Jr.*

One of the Attorneys for Plaintiffs

Horace Fox, Jr.
Marie V. Sanon
F. Willis Caruso
407 So. Dearborn St.
Suite 1360
Chicago, IL 60605
341-9345

Notice of Appeal

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

NOTICE OF APPEAL
(Filed October 21, 1976.)

Notice is hereby given that Village of Bellwood, et al., Plaintiffs above named, hereby appeal to the United States Court of Appeals for the Seventh Circuit from the Memorandum Order entered in this action on the 23rd day of September, 1976.

/s/ *F. Willis Caruso*

/s/ *Horace Fox, Jr.*

One of the Attorneys for the Plaintiffs

Horace Fox, Jr.
F. Willis Caruso
Marie V. Sanon
407 South Dearborn Street
Suite 1360
Chicago, Illinois 60605
341-9345

Notice of Filing

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

NOTICE OF FILING

To: Russ Hoover, Esq.

Jenner & Block
One IBM Plaza
Chicago, Illinois

Please Take Notice that on the 21st day of October, 1976, we filed with the Clerk of the United States District Court for the Northern District of Illinois the Notice of Appeal, a copy of which is herewith served upon you.

/s/ *Horace Fox, Jr.*

One of the Attorneys for the Plaintiffs

Horace Fox, Jr.
F. Willis Caruso
Marie V. Sanon
407 South Dearborn Street
Suite 1360
Chicago, Illinois
351-9345

State of Illinois
County of Cook—SS.

AFFIDAVIT OF SERVICE

Oneida McCullough, hereby states that she served the foregoing Notice of Appeal upon attorney for defendants, Russ Hoover, Jenner & Block, One IBM Plaza, Chicago, Illinois, by mailing a copy thereof by first class, pre-paid mail to said attorney on this 21st day of October, 1976.

/s/ *Oneida McCullough*

Subscribed to and sworn before me
this 21st day of October, 1976.

Marie Sanon
Notary Public

Order Denying Motion for Reconsideration

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

ORDER

(Filed November 5, 1976.)

The plaintiffs have moved for reconsideration of this court's order granting summary judgment in behalf of the defendants on the grounds that they lack standing to present their claim under the statutes utilized. The court feels that *Topic v. Circle Realty*, 532 F.2d 1273 (9th Cir. 1976), is dispositive of this case and cannot be factually distinguished. The inclusion of the municipality as a plaintiff does not alter the indirect nature of the injury asserted in the complaint. *Topic* offers a compelling construction of the statutory pattern, and deals with an issue not previously decided in this circuit. While the plaintiffs are free to attempt to persuade the Seventh Circuit to disagree with the view expressed in *Topic*, the court finds no basis for altering its previous opinion. Accordingly, the motion to reconsider is hereby denied.

/s/ *Bernard M. Decker*

Judge

Relevant Docket Entries

RELEVANT DOCKET ENTRIES

- 10-24-75 Filed Complaint and four copies. JS-5
- 10-31-75 Filed plaintiffs' interrogatories.
- 10-31-75 Filed plaintiffs' request for production of documents to be inspected and copied. ws
- 11-25-75 Filed defendants' motion for leave to file appearance, jury demand, motion to dismiss and affidavit evidencing compliance with Rule 39
- 2-11-76 Filed defendants' discovery request (first wave)
T
- 3- 9-76 Enter order dated March 8, 1976: Order plaintiff to answer defendants interrogatories on or before April 2, 1976 and defendant is given an extension of time until April 20, 1976 to answer or otherwise plead. PERRY, DJ
Mailed notices 3/9/76 fd'a
- 4- 2-76 Filed plaintiffs' notice of filing, with answers to defendants' first set of interrogatories, with exhibits attached. fd'a
- 7- 8-76 Filed defendants' motion for summary judgment.
- 9-30-76 Enter order dated September 29, 1976: This cause comes on upon defendants' motion for summary judgment. The court has read and considered said motion and the memoranda of the respective parties in support thereof and in opposition thereto and finds that said motion is well taken and should be granted for the reasons set forth in Judge Decker's thorough and scholarly memorandum opinion entered September 23, 1976

Relevant Docket Entries

in *Village of Bellwood etc., et al. v. Gladstone Realtors, et al.*, case no. 75 C 3587, which opinion this court hereby adopts as its own. The court notes that the complaint in the *aforecited* case is almost a verbatim duplicate of the complaint in the instant case, except of course for the names of the defendants, and that plaintiffs' brief in opposition to defendants' motion for summary judgment in the *aforecited* case is likewise, almost a verbatim duplicate of their brief in opposition to the instant motion for summary judgment, again except for the names of the defendants. Accordingly, it is Ordered that defendants' motion for summary judgment be and it hereby is granted, and that summary judgment be and is hereby entered in favor of each defendant herein and against plaintiffs herein, with costs to be assessed against the plaintiffs.—Perry, J.

Mailed notices 9-30-76 JS-6 T

10-26-76 Enter order dated October 21, 1976: Enter order—plaintiff's motion to reconsider dismissal order of September 29, 1976 is hereby denied—

Perry, J.

Mailed notices 10-26-76 T

10-21-76 Filed plaintiffs' motion to reconsider T

10-26-76 Filed Notice of filing of Notice of appeal.

10-26-76 Filed Notice of Appeal by Village of Bellwood, The Leadership Council for Metropolitan Open Communities, Edward B. Powell, Mary P. Powell, Charles Elliott, Vicki Simmons, Sandra T. Sharp and Joyce Perry, Plaintiffs from order of 9-29-76 \$5.00 pd

Complaint

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

COMPLAINT

(Filed October 24, 1975)

Now Come the Plaintiffs, Village of Bellwood, a municipal corporation of the State of Illinois, The Leadership Council for Metropolitan Open Communities, a not-for-profit corporation of the State of Illinois, Edward B. Powell, Mary P. Powell, Charles Elliott, Vicki Simmons, Sandra T. Sharp, and Joyce Perry, by their attorneys F. Willis Caruso and David J. Parsons, and complains of Defendants Robert A. Hintze Realtor, R. J. Tillman, Stephen F. Eggerding G.R.I., Robert A. Hintze, as follows:

1. This action arises under 42 U.S.C. §1982 and 42 U.S.C. §§3601 et seq. Jurisdiction is conferred on this court by 28 U.S.C. §1343(4) and §2201, and 42 U.S.C. §3612.

2. Plaintiff, Village of Bellwood, is a municipal corporation of Illinois located in the County of Cook.

3. Plaintiff, The Leadership Council for Metropolitan Open Communities, is an Illinois not-for-profit corporation charged with providing for equal opportunity in housing and the elimination of discrimination in housing in the six-county metropolitan area.

4. Plaintiffs, Sandra T. Sharp and Joyce Perry are and were at all times relevant hereto black citizens of the United States of America who reside in Cook County, Illinois.

5. Plaintiffs, Edward B. Powell, Mary P. Powell, Charles Elliott and Vicki Simmons, are and were at all times relevant hereto white citizens of the United States of America who reside in Cook County, Illinois.

Complaint

6. Defendant, Robert A. Hintze Realtor, is an Illinois real estate business with an office at 10150 Roosevelt Road, Westchester, in the County of Cook and the State of Illinois.

7. Defendant, Stephen F. Eggerding, is a licensed real estate broker, State license No.: 75-066793, of Defendant Robert A. Hintze Realtor.

8. Upon information and belief Defendant, R. J. Tillman, is a real estate salesperson and agent for Defendant Robert A. Hintze Realtor.

8a. Defendant, Robert A. Hintze, is a licensed real estate broker, State license No. 75-050740.

9. On or about September 15, 1975 and prior thereto and continuing to the date thereof, Defendants, Robert A. Hintze Realtor, Robert A. Hintze, R. J. Tillman, Stephen F. Eggerding G.R.I., undertook efforts to influence the choice of prospective black homebuyers from purchasing homes in white areas on the basis of race, thereby engaging in unlawful racial steering in violation of 42 U.S.C. §1982 and 41 U.S.C. §3604 in an area described as follows: An area bound on the North by the Northwestern Railroad, on the East by Beltline Railroad, on the South by the Eisenhower Expressway and on the West by Mannheim Road. The homebuyers who were affected are those in the above area; and those who used or sought to use the services of Defendant, Robert A. Hintze Realtor and may have been so influenced or discouraged based on race.

10. In doing the acts complained of, Defendants acted intentionally and maliciously and were guilty of wilful and wanton disregard of the rights of the Plaintiffs.

11. Such acts and practices complained of hamper and interfere with the work and purpose of the Plaintiff, The Leadership Council for Metropolitan Open Communities

Complaint

and cost The Leadership Council for Metropolitan Open Communities money to provide an audit and other efforts to eliminate such unlawful acts.

12. Plaintiff, Village of Bellwood, has been injured by having the housing market in such village wrongfully and illegally manipulated to the economic and social detriment of the citizens of such village.

13. The individual Plaintiffs have been denied their right to select housing without regard to race and have been deprived of the social and professional benefits of living in an integrated society.

14. Plaintiffs have no adequate remedy at law, or otherwise, for the harm done by Defendants, and Plaintiffs are suffering great and irreparable loss and will continue to suffer great and irreparable loss unless the acts and conduct of Defendants are enjoined.

Wherefore Plaintiffs pray:

(1) That the Court declare individual plaintiffs cannot be denied the right to inspect, negotiate for purchase of, and/or purchase homes on the basis of race;

(2) That the Court issue an injunction permanently restraining the enjoining Defendants from illegal racial steering, and enjoining Defendants from any efforts to illegally influence the choice of prospective homebuyers from purchasing homes in particular areas because of race, and/or from encouraging prospective homebuyers to purchase a home in particular areas based on race;

(3) That the Court grant actual damages of One Hundred Thousand Dollars (\$100,000.00) and Fifty Thousand Dollars (\$50,000.00) exemplary and/or punitive damages each to the Village of Bellwood and The Leadership Council for Metropolitan Open Communities;

Plaintiffs' Interrogatories

(4) That the Court grant actual damages and exemplary and/or punitive damages of Five Thousand Dollars (\$5,000.00) each to Edward B. Powell, Mary P. Powell, Charles Elliott, Vicki Simmons, Sandra T. Sharp and Joyce Perry;

(5) That the Court grant reasonable attorney's fees and costs and such other relief as the Court may deem just and proper.

F. Willis Caruso
Attorney for Plaintiffs

F. Willis Caruso
407 So. Dearborn St.
Suite 1360
Chicago, Illinois 60605
(312) 341-9345

David J. Parson
Seyfarth, Shaw, Fairweather
& Geraldson
55 East Monroe
42nd Floor
Chicago, Illinois 60603
(312) 346-8000

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)
PLAINTIFFS' INTERROGATORIES
(Filed October 31, 1975)

Now Come Plaintiffs, by their attorneys, and propound the following interrogatories to be answered under oath by the defendants individually.

Plaintiffs' Interrogatories

1. State your full name. With respect to the corporate defendant, state the nature of the business entity, the date founded, all predecessors and successors and assigns. State the name and authority of the person answering for the corporate defendant.

2. State the names and addresses of all other persons having knowledge or information of the matters and incidents described in the Complaint filed in this case. State whether any statements were obtained from any of these persons by you, your agents, or your attorneys, the name and address of each such person, and the date of such statement; if so, attach a copy of each such written statement.

F. Willis Caruso
by *B. Beeson*
Attorney for the Plaintiffs

F. Willis Caruso
407 So. Dearborn Street
Suite 1360
Chicago, Illinois 60605
(312) 341-9345

David J. Parsons
Seyfarth, Shaw, Fairweather
& Geraldson
55 E. Monroe
42nd Floor
Chicago, Illinois 60603
(312) 346-8000

Request for Production of Documents

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

REQUEST FOR PRODUCTION OF DOCUMENTS
TO BE INSPECTED AND COPIED
(Filed Oct. 31, 1975)

Plaintiffs, by their attorney, pursuant to Rule 34 of the Federal Rules of Civil Procedure request Defendant Robert A. Hintze Realtor to produce designated documents as described below at 2:00 p.m. on the 19th day of November, 1975 at the offices of Robert A. Hintze Realtor, 10150 Roosevelt Road, Westchester, Illinois.

At which time the Plaintiffs, said attorney, and persons acting on their behalf shall be allowed to inspect and copy documents described as follows:

1. All listings of residential real estate either listed exclusively with Robert A. Hintze Realtor or available to said defendant for sale through multiple listing or otherwise from October 1, 1974 through October 25, 1975.
2. All office documents relating to residential real estate available for sale including, but not limited to, lists, memoranda, reports, reports of listed properties, sale reports and the like from October 1, 1974 through October 25, 1975.
3. All documents relating to names, addresses and telephone numbers of prospects for purchase of residential property, talked to, contacted and/or interviewed by sales personnel of Defendant Corporation, including, but not limited to, prospect cards, notes, memoranda, telephone prospects sheets or cards, call-back lists, reports of show-

Request for Production of Documents

ings, reports of prospects, prospect books and the like from October 1, 1974 through October 25, 1975.

4. All documents showing the addresses of all residential real estate shown and/or offered to the prospects revealed by the documents requested in 3 above.

5. All newspaper ads and other advertisements for all properties listed for sale including ads for individual homes as well as display ads from October 1, 1974 through October 25, 1975.

6. All records and documents showing contracts entered into and sales consummated by the Defendant Corporation and its predecessor from October 1, 1974 through October 25, 1975 including, but not limited to all documents showing:

- a) the address of properties sold;
- b) address of Defendant Corporation's office consummating said sale;
- c) name or names of salespersons consummating said sale for Defendant Corporation;
- d) names of salespersons sharing in or paid a commission for said sale;
- e) whether any of the above sales were as a result of referrals from other real estate entities;
- f) names, addresses and race of the persons purchasing said properties;
- g) the immediate prior address of the persons purchasing said properties; and

Request for Production of Documents

- h) names, race and present address of the sellers of said properties.

F. Willis Caruso
by *B. Beeson*
Attorney for Plaintiffs

F. Willis Caruso
407 So. Dearborn Street
Suite 1360
Chicago, Illinois 60605
(312) 341-9345

David J. Parsons
Seyfarth, Shaw, Fairweather
& Geraldson
55 E. Monroe
42nd Floor
Chicago, Illinois 60603
(312) 346-8000

CERTIFICATE OF SERVICE

Rachael Davis, being duly sworn on oath deposes and states that she mailed the foregoing Plaintiffs' Interrogatories, Plaintiffs' Request For Production Of Documents To Be Inspected And Copied, as well as Notice of Filing, to Robert A. Hintze, 10110 Roosevelt Road, Westchester, Illinois, by depositing true and correct copies of same in the United States mailbox at 407 So. Dearborn, Chicago, Illinois 60605, this 31st day of October, 1975, at or before the hour of 5:00 p.m.

Rachael Davis
Rachael Davis

Subscribed to and sworn before
me this 31st day of October, 1975.

Della Brunson

NOTARY PUBLIC

My Commission expires

Oct. 19, 1979

(Notary Seal)

Defendants' Discovery Request

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

DEFENDANTS' DISCOVERY REQUEST
(First Wave)
(Filed February 11, 1974.)

As their first wave discovery request in this case, defendants submit the following Interrogatories, Request to Produce and Request to Admit to plaintiffs.

INTERROGATORIES**II. With respect to each plaintiff,**

- (a) State his full name and each other name by which he has been known since age 18.
- (b) State his present home address and each other address at which he has resided since age 18, indicating the dates of each such residence.
- (c) State his home telephone number.
- (d) State his social security number.
- (e) Identify his present employer and each other employer since age 18.
- (f) Identify each officer, director and principal managing agent of plaintiff The Leadership Council for Metropolitan Open Communities and with respect to each officer and principal managing agent describe his duties in that capacity.
- (g) Identify each official or agent of plaintiff Village of Bellwood who has authorized the bringing of this suit on its behalf.
- (h) Identify each official and agent of the Village of Bellwood who has knowledge of the injury alleged in paragraph 11 of the Complaint.

Defendants' Discovery Request

(i) Identify each officer and agent of plaintiff The Leadership Council who has knowledge of the money expended by said plaintiff to provide the audit and other efforts referred to in paragraph 10 of the Complaint.

(j) Identify the officer or agent of plaintiff The Leadership Council who is best able to testify to the types of records maintained and to the record keeping and filing procedures of said party.

(k) If any of the plaintiffs are members of a Block Club, identify the Block Club and each officer, principal managing agent and spokesperson therefor.

(l) If any of the individual plaintiffs is or has been a party to a lawsuit (other than the instant case) or a defendant in a criminal case, state with respect to each such plaintiff the full caption of the case (including case number, court and all parties) and give a brief description of the nature of the case.

(m) If any of the plaintiffs has ever testified either in deposition or at trial in a suit in which The Leadership Council for Metropolitan Open Communities was a party, identify the suit in I2(1) above and state the date of such testimony.

I2. With respect to the allegations contained in paragraph 9 of the Complaint:

(a) Identify each act and/or communication of each defendant which you contend is evidence of an effort on his part to influence the choice of prospective homebuyers on the basis of race.

(b) Identify each act and/or communication of each defendant which you contend is evidence of his discouraging prospective black homebuyers from purchasing homes in white areas on the basis of race.

Defendants' Discovery Request

(c) Identify each act and/or communication of each defendant which you contend is evidence of his engaging in unlawful racial steering in violation of 42 U.S.C. § 1982 and 42 U.S.C. § 3604.

(d) Identify each homebuyer who you contend used or sought to use the services of Robert A. Hintze Realtor and whose choice was influenced on the basis of race.

(e) Identify each homebuyer who used or sought to use the services of Robert A. Hintze Realtor who was discouraged from purchasing a home on the basis of race.

I3. Identify each person whom plaintiffs expect to call as an expert witness at trial and with respect to each:

(a) State the subject matter on which the expert is expected to testify.

(b) State the substance of the facts and opinions to which the expert is expected to testify.

(c) State a summary of the grounds for each said opinion.

(d) State the title of the case, case number, court and date(s) on which said expert has testified (either at trial or in deposition) on behalf of any plaintiff herein or on the same subject matter as his expected testimony herein.

I4. With respect to the allegations contained in paragraph 11 of the Complaint:

(a) State the amount of money expended by The Leadership Council to provide an audit.

(b) Identify the recipients of all said moneys.

I5. Do you contend that the Village of Bellwood has expended money as a result of any of defendants' activities which are complained of in the Complaint herein?

Defendants' Discovery Request

(a) If the answer is yes, state the amount of money so expended by the Village of Bellwood.

(b) Identify the recipients of all said moneys.

I6. With respect to each oral conversation between or among each plaintiff, or anyone purporting to act on his (their) behalf, and each defendant, or anyone purporting to act on his (their) behalf, from January 1, 1975 to the present time:

(a) Identify the parties to the conversation.

(b) State the date of the conversation.

(c) State the location of the conversation and identify all persons present.

(d) If the conversation was by phone, state who called whom.

(e) State what was said by each party to the conversation or, if unable to do so, state the substance of what was said by each party to the conversation and indicate that it is the substance rather than the exact words that is being reported.

I7. Do plaintiffs contend that each of the defendants discouraged prospective black homebuyers from purchasing homes in white areas on the basis of race?

(a) If the answer is yes, with respect to each defendant identify the black homebuyer and state the date of the discouragement.

(b) If the answer is no, identify those defendants as to whom you claim such activity and with respect to each identify the black homebuyer and state the date of the discouragement.

I8. Have plaintiffs withheld any documents called for in the Request to Produce submitted herewith because of a claim of privilege or work product? If the answer is yes, state with regard to each such document:

(a) The date of the document.

Defendants' Discovery Request

(b) The nature of the document (e.g. letter, memorandum, tape recording, etc.).

(c) The author of the document.

(d) The subject matter of the document.

(e) The length of the document.

(f) The addressee of the document.

(g) Identify all persons known to plaintiffs to have seen the document or a copy thereof.

(h) The nature of the privilege or work product claim.

I9. Identify each person not heretofore identified in response to Interrogatory No. 1 through Interrogatory No. 7, both inclusive, who have knowledge of any fact upon which the Complaint herein is based and with respect to each such person state the substance of the facts as to which he has knowledge.

REQUEST TO PRODUCE

Pursuant to Rule 34 of the Federal Rules of Civil Procedure plaintiffs are requested to produce for inspection and copying by attorneys for defendants the following designated documents. The production is to be made in the law offices of Jenner & Block, 43rd Floor, One IBM Plaza, Chicago, Illinois 60611 commencing at 10:00 a.m., March 1, 1976:

R1. Each document which relates or refers to or which is evidence of each act and communication identified by plaintiffs in response to interrogatory I2, including without limitation each document to which they used to refresh their recollection in verifying the answer to interrogatory I2.

R2. The curriculum vitae for each expert witness named in response to interrogatory I3.

R3. Each previous deposition transcript and previous transcript of trial testimony of each expert witness identified in the answer to interrogatory I3.

Defendants' Discovery Request

R4. Each document which refers or relates to or which is evidence of the amount of money and recipients of said money stated in response to interrogatory I4, including without limitation each document to which plaintiffs referred to which they used to refresh their recollection in verifying the answer to interrogatory I4.

R5. Each document which refers or relates to or which is evidence of the amount of money and recipients of said money stated in response to interrogatory I5, including without limitation each document to which plaintiffs referred or which they used to refresh their recollection in verifying the answer to interrogatory I5.

R6. Each document which relates or refers to, which is evidence of, or which purports to summarize, either wholly or in part, each conversation identified in response to interrogatory I6.

R7. Each document which relates or refers to or which is evidence of each fact stated in response to interrogatory I7, including without limitation each document to which plaintiffs referred or which they used to refresh their recollection in verifying the answer to interrogatory I7.

R8. Each document which refers or relates to or which is the product of the audit referred to in paragraph 10 of the Complaint.

R9. Each document which was produced by or received by plaintiffs, and each of them, from January 1, 1975 to the present time which refers to each and any of the following:

- (a) R. J. Tillman
- (b) Stephen F. Eggerding
- (c) Robert A. Hintze
- (d) Complaints of racial steering by Robert A. Hintze Realtors.

Defendants' Discovery Request

R10. Each document which contains instructions to the testers to conduct an audit concerning defendants.

R11. Each document which purports to summarize or collate the results of the audit concerning defendants.

R12. Each document sent to each defendant by each plaintiff (with the exception of the Village of Bellwood) and each document received by each plaintiff (with the exception of the Village of Bellwood) from each defendant from January 1, 1975 to the present time.

R13. Each document which purports to instruct the testers in the procedure to be followed in conducting an audit.

R14. Each document which plaintiffs contend constitutes evidence of the economic and social detriment suffered by the citizens of the Village of Bellwood as a result of defendants' conduct.

R15. Each document which plaintiffs intend to introduce in evidence at the trial of this case and each document which plaintiffs intend to use to refresh the recollections of witnesses whom they intend to call in this case.

REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure plaintiffs are requested to admit the truth of the following matters:

A1. None of the individual plaintiffs who had conversations with the defendants had the intention at the time of said conversations of purchasing a home.

A2. None of the individual plaintiffs who had conversations with the defendants informed the defendants that they were conducting an audit on behalf of The Leadership Council for Metropolitan Open Communities.

DEFINITIONS

As used in this discovery request the following words and phrases are defined as shown below:

Defendants' Discovery Request

1. "Document" means any writing, drawing, graph, chart, photograph, tape recording, wire recording, computer print-out and other data compilation from which information can be obtained, translated, if necessary, by plaintiffs through detection devices into reasonably usable form.

2. "Identify" when referring to an employer means the business name, address and phone number of the entity for whom plaintiff works or worked and the name and last known address of plaintiff's immediate supervisor on said job.

3. "Identify" when referring to a person means his full name and last known address, telephone number, business affiliation and job title.

4. "Identify" when referring to an act means to describe the act, state the date of the act, name the actor and identify all known witnesses to the act.

5. "Identify" when referring to a communication means to state the date and content of the oral communication identifying all parties and witnesses to the oral communication and stating what was said by each and means to state the date, author and type of document of a written communication.

6. When used herein the masculine gender of pronouns is meant to include the feminine gender as well and singular nouns are meant to include the plural as well.

/s/ Russell J. Hoover

Russell J. Hoover

One of the Attorneys for Defendants

Jonathan T. Howe
Russell J. Hoover
JENNER & BLOCK
One IBM Plaza
Chicago, Illinois 60611
222-9350
Attorneys for Defendants

Notice of Filing

PROOF OF SERVICE

Margrett Kontek on oath states that she served a copy of the foregoing Defendants' Discovery Request (First Wave) in case No. 75 C 3589 by placing same in an envelope addressed to F. Willis Caruso, Esq., 407 South Dearborn Street, Suite 1360, Chicago, Illinois 60605, with proper, prepaid postage affixed thereto and by placing same in the United States Government mail chute at One IBM Plaza, Chicago, Illinois on Monday, February 2, 1976 before the hour of 4:00 p.m.

/s/ Margrett Kontek

Subscribed And Sworn to
before me this 2nd day of
February, 1976.

/s/ Virginia Blaski

Notary Public

(Seal)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

NOTICE OF FILING
(Filed April 2, 1976.)

To: Johnathan T. Howe
Jenner & Block
One IBM Plaza
Chicago, Illinois 60611

Please Take Notice that on the 2nd day of April, 1976, we filed with the Clerk of the United States District Court for the Northern District of Illinois, Answers to Defen-

Answers to Interrogatories

dants' First Set of Interrogatories, copies of which are herewith served upon you.

/s/ *F. W. Caruso (by H. Fox)*

F. Willis Caruso

Attorney for Plaintiffs

F. Willis Caruso

Marie V. Sanon

407 So. Dearborn

Chicago, IL 60605

341-9345

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

ANSWERS TO DEFENDANTS' FIRST SET
OF INTERROGATORIES

Pursuant to the Federal Rules of Civil Procedure, Rule 33, Plaintiffs, Village of Bellwood, a municipal corporation of the State of Illinois, The Leadership Council For Metropolitan Open Communities, a not-for-profit corporation of Illinois, Edward B. Powell, Mary P. Powell, Charles Elliott, Vicki Simmons, Sandra J. Sharp and Joyce Perry, hereby answers the interrogatories propounded by Defendants, as follows:

II. With respect to each plaintiff,

(a) State his full name and each other name by which he has been since age 18.

Answer: See Appendix A*.

(b) State his present home address and each other address at which he has resided since age 18, indicating the dates of each such residence.

Answer: See Appendix A*

Answers to Interrogatories

(c) State his home telephone number.

Answer: See Appendix A*

(d) State his social security number.

Answer: See Appendix A*

(e) Identify his present employer and each other employer since age 18.

Answer: See Appendix A*

(f) Identify each officer, director and principal managing agent of plaintiff The Leadership Council For Metropolitan Open Communities and with respect to each officer and principal managing agent describe his duties in that capacity.

Answer: See Appendix B, Kale Williams, Executive Director of the Leadership Council, 407 So. Dearborn St., Suite 1360, Chicago, Illinois, 60605. Thomas G. Ayers, Chairman, Frederick G. Jaicks, President, and Edwin C. Berry, Vice President.

(g) Identify each official or agent of plaintiff Village of Bellwood who has authorized the bringing of this suit on its behalf.

Answer: See Appendix E

(h) Identify each official and agent of the Village of Bellwood who has knowledge of the injury alleged in paragraph 11 of the Complaint.

Answer: See Appendix E

(i) Identify each officer and agent of plaintiff The Leadership Council who has knowledge of the money expended by said plaintiff to provide the audit and other efforts referred to in paragraph 10 of the Complaint.

Answer: Kale Williams, Executive Director, 407 So. Dearborn, Suite 1360, Chicago, Illinois 60605.

(j) Identify the officer or agent of plaintiff The Leadership Council who is best able to testify to the types of rec-

Answers to Interrogatories

ords maintained and to the record keeping and filing procedures of said party.

Answer: Kale Williams, Executive Director, 407 So. Dearborn, Suite 1360, Chicago, Illinois 60605.

(k) If any of the plaintiffs are members of a Block Club, identify the Block Club and each officer, principal managing agent and spokesperson thereof.

Answer: See Appendix A*

(1) If any of the individual plaintiffs is or has been a party to a lawsuit (other than the instant case) or a defendant in a criminal case, state with respect to each such plaintiff the full caption of the case (including case number, court and all parties) and give a brief description of the nature of the case.

Answer: *Objection:* Irrelevant, immaterial, not discoverable. However, plaintiffs state that they have suffered no criminal conviction other than minor traffic convictions. See Appendix A*.

(m) If any of the plaintiffs has ever testified either in deposition or at trial in a suit in which The Leadership Council for Metropolitan Open Communities was a party, identify the suit as in I2(1) above and state the date of such testimony.

Answer: Not Applicable.

I2. With respect to the allegations contained in paragraph 8 of the Complaint:

(a) Identify each act and/or communication of each defendant which you contend is evidence of an effort on his part to influence the choice of prospective homebuyers on the basis of race.

Answer: The acts of Defendants which allegedly violate 42 U.S.C. §1982 and 42 U.S.C. §3601 et seq. are the subject matter of the audit reports.

1) With respect to Plaintiff Edward Powell, See Appendix A.

Answers to Interrogatories

2) With respect to Plaintiff Mary P. Powell, See Appendix A.

3) With respect to Plaintiff Charles Elliott, See Appendix A.

4) With respect to Plaintiff Vicki Simmons, See Appendix A.

5) With respect to Plaintiff Joyce Perry, See Appendix A.

6) With respect to Plaintiff Sandra J. Sharp, See Appendix A.

(b) Identify each act and/or communication of each defendant which you contend is evidence of his discouraging prospective black homebuyers from purchasing homes in white areas on the basis of race.

Answer: See answer to I2(a).

(c) Identify each act and/or communication of each defendant which you contend is evidence of his engaging in unlawful racial steering in violation of 42 U.S.C. §1982 and 41 (sic.) U.S. §3604.

Answer: See answer to I2(a).

(d) Identify each homebuyer who you contend used or sought to use the services of Hintze Realtors and whose choice was influenced on the basis of race.

Answer: The plaintiff auditors were acting in the capacity of homebuyers. See Appendix A.

(e) Identify each homebuyer who used or sought to use the services of Hintze Realtors who was discouraged from purchasing a home on the basis of race.

Answer: See answer to I2(d).

13. Identify each person whom plaintiffs expect to call as an expert witness at trial and with respect to each:

(a) State the substance of the facts and opinions to which the expert is expected to testify.

Answer: Pierre DeVise; Demographics.

Answers to Interrogatories

(b) State the substance of the facts and opinions to which the expert is expected to testify.

Answer: See Appendix D.

(c) State a summary of the grounds for each said opinion.

Answer: See Appendix D.

(d) State the title of the case, case number, court and date(s) on which said expert has testified (either at trial or in deposition) on behalf of said plaintiff herein or on the same subject matter as his expected testimony herein.

Answer: *Metropolitan Housing Development Corporation vs. Arlington Heights*, 517 F. 2d 409 (7th Circuit Court of Appeals).

I4. With respect to the allegations contained in paragraph 10 of the Complaint:

(a) State the amount of money expended by the Leadership Council to provide an audit.

Answer: \$375.00

(b) Identify the recipients of all said moneys.

Answer: John Woltjen, 407 S. Dearborn, Suite 1360, Chicago, Illinois 60605.

I5. Do you contend that the Village of Bellwood has expended money as a result of any of defendants' activities which are complained of in the Complaint herein?

Answer: No

(a) If the answer is yes, state the amount of money so expended by the Village of Bellwood.

Answer: Not Applicable.

(b) Identify the recipients of all said moneys.

Answer: Not Applicable.

I6. With respect to each oral conversation between or among each plaintiff, or anyone purporting to act on his (their) behalf, and each defendant, or anyone purporting

Answers to Interrogatories

to act on his (their) behalf, from January 1, 1975 to the present time:

(a) Identify the parties to the conversation.

Answer: See Appendix A.

(b) State the date of the conversation.

Answer: See Appendix A.

(c) State the location of the conversation and identify all persons present.

Answer: See Appendix A.

(d) If the conversation was by phone, state who called whom.

Answer: See Appendix A.

(e) State what was said by each party to the conversation or, if unable to do so, state the substance of what was said by each party to the conversation and indicate that it is the substance rather than the exact words that is being reported.

Answer: See narratives in audit reports, Appendix A. The individual plaintiffs have from time to time conversed with each other, however, the substance and dates of those conversations are not specifically available, but are embodied in Appendix A.

I7. Do plaintiffs contend that each of the defendants discouraged prospective black homebuyers from purchasing homes in white areas on the basis of race?

Answer: Yes, the individual plaintiffs in this matter were auditors acting in the capacity of homebuyers.

(a) If the answer is yes, with respect to each defendant identify the black homebuyer and state the date of the discouragement.

Answer: See Appendix A.

(b) If the answer is no, identify those defendants as to whom you claim such activity and with respect to each

Answers to Interrogatories

identify the black homebuyer and state the date of the discouragement.

Answer: Not Applicable.

18. Have plaintiffs withheld any documents called for in the Request to Produce submitted herewith because of a claim of privilege or work product? If the answer is yes, state with regard to each such document:

Answer: No.

(a) The date of the document.

Answer: Not Applicable.

(b) The nature of the document (e.g. letter, memorandum, tape recording, etc.).

Answer: Not Applicable.

(c) The author of the document.

Answer: Not Applicable.

(d) The subject matter of the document.

Answer: Not Applicable.

(e) The length of the document.

Answer: Not Applicable.

(f) The addressee of the document.

Answer: Not Applicable.

(g) Identify all persons known to plaintiffs to have seen the document or a copy thereof.

Answer: Not Applicable.

(h) The nature of the privilege or work product claim.

Answer: Not Applicable.

19. Identify each person not heretofore identified in response to Interrogatory No. 1 through Interrogatory No. 7, both inclusive who have knowledge of any fact upon which the Complaint herein is based and with respect to each such person state the substance of the facts as to which he has knowledge.

Answers to Interrogatories

Answer: John Lindsey conducted an audit, See Appendix A. Kathleen Nicholes conducted an audit, See Appendix A. Sandra Sharp is a plaintiff who resides in Bellwood, who has read the answers to interrogatories.

REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure plaintiffs admit the truth of the following matters:

A1. None of the individual plaintiffs who had conversations with the defendants had the intention at the time of said conversations of purchasing a home.

Answer: Admit

A2. None of the individual plaintiffs who had conversations with the defendants informed the defendants that they were conducting an audit on behalf of The Leadership Council for Metropolitan Open Communities.

Answer: Admit

Appendix A*

Vicki Simmons

4004 Warren Ave.

Bellwood, IL

544-4375

SS#—336-40-9073

Previous Address—

7340 Wrightwood, Elmwood Park

2137 So. Nagle, Chicago, IL

Mary P. Powell (Mary P. Puricelli)

111 30th Ave.

Bellwood, IL

544-7691

SS#—320-42-5915

Previous Address—

2115 25th Ave., Broadview, IL—6/69-2/71

17 Ashbel, Hillside, IL—1948-6/69

Answers to Interrogatories

Charles L. Elliott
 3211 Jackson
 Bellwood, IL—1967-Present
 544-2803
 SS#—349-32-4252
 Previous Address—
 4210 N. Kimball, Chicago, IL—1954-1963
 4108-6 Melrose—1963-1967
 Kathleen Nichols
 928 Bellwood
 Bellwood, IL
 544-0081
 SS#—Refused to Release
 Previous Address—
 5229 W. Race—1952-1969
 2402 N. New England, Chicago—1969-1974
 John Lindsey
 7343 Prairie
 Chicago, IL—1974-Present
 224-5512
 SS#—353-30-0044
 Previous Address—
 2801 King Drive, Chicago, IL—1968-1970
 2951 King Drive, Chicago, IL—1971-1974
 Joyce Perry
 134 Granville
 Bellwood, IL
 544-5074
 SS#—274-42-0584
 Previous Address—
 1668 Bryn Mawr, E. Cleveland, OH, 1967-1971
 1412 Madison, Maywood, IL—1971-1975

Answers to Interrogatories

Sandra J. Sharp
 1401 S. 16th Ave.
 Maywood, IL
 345-1762
 SS#—339-36-4853
 Previous Address—
 228 N. LaCrosse, Chicago, IL—1970-to-date
 4639 W. West End Ave., Chicago, IL—1965-1966
 513 N. Homan Ave., Chicago, IL—1964-1965
 Edward B. Powell
 111 30th Ave.
 Bellwood, IL
 544-7691
 SS#—358-34-1199
 Previous Address—
 2115 25th Ave., Broadview, IL—1969-1971
 159 Bode Road, Hoffman Estate, IL—1968-1969
 552 N. Avers, Chicago, IL—1955-1969

EMPLOYMENT INFORMATION

John Lindsey
 Chicago Board of Education
 Leo Burnett Advertising Agency
 Tuesday Publications
 Living Together Publications
 Leadership Council,—Present
 Block Club: 73rd & Prairie; Pres. George Lee
 Never a criminal defendant
 Other Litigation: None
 Vicki Simmons
 Capon Drugs, Berkley, IL
 Block Club: Bellwood Block Club; Chairman Ross Ferraro; Chairwoman Jean Keating; Treasurer Joyce Lev; Secretary Vicki Simmons
 Never a criminal defendant
 Other Litigation: None

Answers to Interrogatories

Mary P. Powell

Stanadyne, Bellwood, IL

Block Club: None

Never a criminal defendant

Other Litigation: Bellwood v. Gladstone Realty, 75 C 3587; Bellwood v. Hintze, 75 C 3589; Bellwood v. Dwayne Realty, 75 C 3588

Edward B. Powell

MTTR Associates, Westchester, IL

Four Phase System, Des Plaines, IL

Servitech, Inc., Westchester, IL

Hypertech, Inc., Harwood Heights, IL

Xerox Data Systems, Chicago, IL

First National Bank of Chicago, Chicago, IL

Block Club: None

Never a criminal defendant

Other Litigation: Meade Electric vs. Powell, 75 MI 112178; Bellwood v. Gladstone, 75 C 3587; Bellwood v. Dwayne, 75 C 3588; Bellwood v. Hintze, 75 C 3589

Charles Elliott

Oscar Mayer & Co., Chicago, Illinois

Fredricks Catering Service, Oak Park, Illinois

Lincoln Bottling Co., Chicago, Illinois

Alloy Automotive Co., Chicago, Illinois

Keebler Co., Elmhurst, Illinois

Motorola, Inc., Chicago, Illinois

Brunswick Corp., Skokie, Illinois—Present

Block Club: Bellwood Block Club; Chairman—Ross Ferraro, Chairwoman—Jean Keating, Treasurer—Joyce Lev, Secretary—Vicki Simmons

Never a criminal defendant

Other Litigation: Bellwood vs. Hintze, 75 C 3589; Bellwood v. Dwayne Realty, 75 C 3588; Bellwood v. Gladstone, 75 C 3587

Kathleen Nichols

Government employee (Refused to be more specific)

Answers to Interrogatories

Block Club: None

Never a criminal defendant

Other Litigation: None

Sandra Sharp

Village of Maywood—Present

School District #89

Tetailers Commercial Agency

Block Club: None

Never a criminal defendant

Other Litigation: Plaintiff in *Sandra T. Sharp and Carolyn Bailey v. School District #89*, 1973; Bellwood v. Hintze

*Plaintiff Sandra Sharp is a citizen of Bellwood who has read the Answers to Interrogatories.

Joyce Perry

Lenerae Electric, Cleveland, Ohio

Calvert Distillers, Cleveland, Ohio

Guiliford & Sons, Cleveland, Ohio

Lenerae Electric, Broadview, IL

Lien Chemical Co., Franklin Park, IL

Block Club: None

Never a criminal defendant

Other Litigation: Bellwood v. Dwayne, 75 C 3588

/s/ Kale Williams

Kale Williams

Subscribed to and sworn before me

this 2nd day of April, 1976.

/s/ Rachael Y. Davis

Notary Public

(seal)

My Commission Expires November 15, 1977

F. Willis Caruso

Marie Sanon

407 So. Dearborn St.

Suite 1360

Chicago, Illinois 60605

341-9345

Answers to Interrogatories

/s/ Vicki Simmons
Vicki Simmons

Subscribed to and sworn before me
this 2nd day of April, 1976.

/s/ Rachael Y. Davis
Notary Public

(seal)

F. Willis Caruso
Marie Sanon
407 So. Dearborn St.
Suite 1360
Chicago, Illinois 60605
341-9345

/s/ Mary P. Powell
Mary P. Powell

Subscribed to and sworn before me
this 2nd day of April, 1976.

/s/ Rachael Y. Davis
Notary Public

(seal)

F. Willis Caruso
Marie Sanon
407 So. Dearborn St.
Suite 1360
Chicago, Illinois 60605
341-9345

/s/ Edward B. Powell Jr
Edward B. Powell

Subscribed to and sworn before me
this 2nd day of April, 1976.

/s/ Rachael Y. Davis
Notary Public

(seal)

Answers to Interrogatories

F. Willis Caruso
Marie Sanon
407 So. Dearborn St.
Suite 1360
Chicago, Illinois 60605
341-9345

/s/ Sandra J. Sharp

Subscribed to and sworn before me
this 2nd day of April, 1976.

/s/ Rachael Y. Davis
Notary Public

(seal)

F. Willis Caruso
Marie Sanon
407 So. Dearborn St.
Suite 1360
Chicago, Illinois 60605
341-9345

/s/ Charles Elliott
Charles Elliott

Subscribed to and sworn before me
this 2nd day of April, 1976.

/s/ Rachael Y. Davis
Notary Public

F. Willis Caruso
Marie Sanon
407 So. Dearborn St.
Suite 1360
Chicago, Illinois 60605
341-9345

*Exhibits to Answers to Interrogatories***AFFIDAVIT OF SERVICE**

Rachael Davis, being duly sworn on oath and deposes and states that she gave the foregoing Answers to Defendants' First Set of Interrogatories to a messenger sent by Johnathan T. Howe, Jenner & Block, One IBM Plaza, Chicago, Illinois 60611, here at 407 So. Dearborn Street, Chicago, Illinois, at or before the hour of 5:00 p.m. on the 2nd day of April, 1976.

/s/ Rachael Davis
Rachael Davis

Subscribed to and sworn before me
this 2 day of April, 1976.

/s/ David A. Schucker

Notary Public

(seal)

My Commission Expires November 15, 1977

EXHIBIT 4**SALES AUDIT REPORT FORM**

Auditor's Race Cau

Auditor's Name: Edward B. Powell

Auditor's Address: 111 30th, Bellwood

Auditor's Phone Number: 544-7691 — (457-6682—work)

Real Estate Firm's Address: 10150 Roosevelt

Date And Time Of Inquiry: 9:30 am 9/18/75

Real Estate Agent's Name: Stephen Eggerding

Addresses And Listing Prices Of Properties Offered For Sale:

	Address	Price
1.	2028 Herbert Berkeley—Drove by	\$44,000
2.	218 Englewood Bellwood Drove by	\$46,000
3.	2632 11th Broadview Drove by	\$45,000
4.	2621 11th Broadview Drove by	\$39,000

*Exhibits to Answers to Interrogatories***Addresses And Listing Prices Of Properties Seen:**

	Address	Price
1.	216 Iroquis Hillside	\$44,000
2.	2300 24th Broadview	\$48,000
3.	.....	.....
4.	.....	.....

Information Given To The Agent By The Auditor:

Name: Ed Powell Phone Number: 885-2113

Address: Hoffman Estates

Family Size: 2 small children

Income: not asked Downpayment: \$10-12

Present Home Sold Or Up For Sale: rent

Credit Information (if any): not asked

State Exactly What You Asked For When You Entered The Real Estate Office:

3 bedroom brick, in high \$30's low \$40's as close to Mannheim and Roosevelt as possible. Hillside, Berkeley, Broadview, Bellwood, Westchester.

State In A Narrative Form Your Conversation With The Real Estate Agent:

No comments as to race were made.

No homes east of Mannheim and south of Madison were shown even tho most of the homes in my price range were located there and that these houses would be much closer to where I work (Mannheim & Roosevelt) than the houses shown. After seeing the houses I suggested we look at more but I was told that those were the only ones till the new listings come out.

I felt that he was pushing homes in South Broadview but completely ignoring the many homes for sale in Bellwood east of Mannheim. He mentioned that he lived in Broadview but he had a 1975 vehicle sticker from Brookfield.

We were given the listing book only after he picked the homes he wanted us to see.

*Exhibits to Answers to Interrogatories***EXHIBIT 4: SALES AUDIT REPORT FORM**

Auditor's Race: White

Auditor's Name: Charles Elliott & Vicki Simmons

Auditor's Address: 3211 Jackson St. & 4004 Warren Ave.
Bellwood 60104

Auditor's Phone Number: 544-2803 & 544-4375

Real Estate Firm's Name: Hintze Realtor

Phone Number: 343-5600

Real Estate Firm's Address: 10150 Roosevelt Road

Date And Time Of Inquiry: 9/14/75—approx. 3:00 pm

Real Estate Agent's Name: R. J. Tillman

Addresses And Listing Prices Of Properties Offered For Sale:

	Address	Price
1.	2009 S. 23rd Ave. Broadview	37,500
2.	2621 S. 11th Ave. Broadview	39,500
3.	.....	.....
4.	.....	.....

Addresses And Listing Prices Of Properties Seen:

	Address	Price
1.	None	.....
2.	.....	.....
3.	.....	.....
4.	.....	.....

Information Given To The Agent By The Auditor:

Name: Mr. & Mrs. Charles Elliott

Phone Number: Work 982-6000

Address: 4901 Old Orchard Rd., Skokie, Ill.

Family Size: 2 pre-school children

Income: Not Discussed Downpayment: \$10,000

Present Home Sold Or Up For Sale? Rent

Credit Information (if any): None. Work at Brunswick Corp.—Skokie

Exhibits to Answers to Interrogatories

State Exactly What You Asked For When You Entered The Real Estate Office:

We stated that I was being transferred to Oakbrook and was looking for a home in high 30's to low 40's. Only preference was brick home with 3 bedrooms.

State In A Narrative Form Your Conversation With The Real Estate Agent:

Mr. Tillman began by stating that with our limit he could only put us in Bellwood or Broadview and he said, "Let's be open about it, Bellwood and Broadview are integrated and this would put you into West Bellwood or Broadview". Mr. Tillman did not allow us to page thru listing book by ourselves. He stated that we should be able to get into a home for \$8,000 down instead of \$10,000 so we could buy furniture or whatever else we might need.

I asked him what he meant by integration in Bellwood and Broadview. He stated that there are some black families in Westchester but they are doctors and lawyers and north of Roosevelt in Broadview is heavily integrated.

I advised him that since it was late in day we didn't have time to take a ride with him. He had previously said he would show us the two homes on 11th & 23rd in Broadview and also the area in general. In answer to my question on integration.

When he gave us two listings for us to check out, he again reminded us about north of Roosevelt being integrated and south of Roosevelt in Broadview having 4 or 5 colored families.

/s/ Charles Elliott

Exhibits to Answers to Interrogatories

132

2009 S. 23rd Avenue
Broadview
Brick
Ranch
P
Fager

38 x 125
5
3
1 1/2 PT
TAXES: \$540
SPEC. ASMT: None
GARAGE: 2-CAR
NO. CT: 1

CODE 459-56
6-4
\$37,500

ROOM DIMS:
LN 19 x 12
BR 11.3 x 11
K 10.9 x 9.6
B 10.6 x 10.4
B 10.6 x 14.2
DEN 12 x 8

DESCRIPT: Full - Knotty pine - electronic filter - humidifier - 1/2 bath
1ST Living room, kitchen, 3 bedrooms, bath
2ND

POSSESSION: 60 days a/c or sooner
REASON FOR SALE: Relocating
SCHOOL: Wilson (2 blocks) Proviso East
MFG. AVAILABLE:

INCLUSIONS AND PERSONAL PROPERTY: Venetian blinds in living room & kitchen.
Wall to wall carpeting in living room, hall & 1 b.d.
& kitchen cabinets. Newly decorated inside & out in 1974. New 40 gal. Hot water heater. Flood on side. Aluminum S/S & doors. PORTABLE BAR & link fenced yard. Patio. Gas Bar-B-Q next to NO FHA or VA

OWNER: TOMMER, Remo & Anne
BUS. PHONE: 343-5600
RES. PHONE: 343-5600

EXCLUSIVE AGENT: GLADSTONE, REALTORS-Westchester
SALES PERSON: DS

ROBERT A. HINTZE, REALTOR
10150 ROOSEVELT ROAD
WESTCHESTER, ILLINOIS 60153
BUS. 343-5600
RES. 343-5600

Exhibits to Answers to Interrogatories

EXHIBIT 4

SALES AUDIT REPORT FORM

Auditor's Race: Black

Auditor's Name: Sandra T. Sharp

Auditor's Address: 1401 S. 16th Ave.

Auditor's Phone Number: 345-1762

Real Estate Firm's Name: Robert A. Hintze

Phone Number: 343-5600

Real Estate Firm's Address: 10150 Roosevelt Rd.,
WestchesterDate And Time Of Inquiry: Friday, Sept. 19, 1975,
10:30 a.m.Real Estate Agent's Name: Stephen F. Eggerding
(sales mgr.)Addresses And Listing Prices Of Properties Offered For
Sale:

Address	Price
1. 609 Linden Ave., Bellwood	36,500
2. 1041 S. 32nd, Bellwood	37,500
3. 2028 Herbert, Berkeley	44,500
4. 1948 Taft, Berkeley	41,600
5. 1010 Cernan, Bellwood	37,500

Addresses And Listing Prices Of Properties Seen:

Address	Price
1.
2.
3.
4.

408-56

2621 S. 11th Avenue
Broadview
Face Brick
Tri-Level
P
Tyson

50 x 145
5
3
1 CT
TAXES: \$530
SPEC. ASMT: None
GARAGE: 2-CAR
NO. CT: 1

CODE 408-56
6-4
\$39,500

ROOM DIMS:
LN 15.9 x 14.10
BR 11 x 13
K 12.7 x 10.3
B 9.2 x 12.10
B 19 x 11
DEN 12 x 8

DESCRIPT: Outside entrance - Sump pump - 220 wiring - Laundry room.
1ST Living room, kitchen
2ND 2 bedrooms, full bath
3RD level: 1 bedroom & large storage closet

POSSESSION: 30 days or sooner a/c
REASON FOR SALE:
SCHOOL: Lindop & St. Eulalia
MFG. AVAILABLE:

INCLUSIONS AND PERSONAL PROPERTY: Central air conditioning. New roof; Cyclone fence; shutters in kitchen; 220 wiring; dishwasher; (4) awnings; sleeve air conditioner in upper level. Shag carpeting in living room & stairs. New carpeting in 3rd bedroom; fully insulated attic. NO FHA or VA

OWNER: RUSSO, Art & Irene
BUS. PHONE: 344-5569
RES. PHONE: 562-4300

EXCLUSIVE AGENT: DWAYNE REALTY
SALES PERSON: JC

TITLE FORM: C T & T
SHOWING INSTR. Call first
P.O.A. ☐ YES ☐ NO

Exhibits to Answers to Interrogatories

Information Given To The Agent By The Auditor:

Name: Irene Goldston Phone Number: 928-5912

Address: Not given

Family Size: Not given

Income: Not given Downpayment: 7-\$15,000

Present Home Sold Or Up For Sale? Present home sold

Credit Information (if any): None given

State Exactly What You Asked For When You Entered
The Real Estate Office:

3 bedroom brick.

State In A Narrative Form Your Conversation With The
Real Estate Agent:

The agent asked what kind of house I was looking for and I said 3 bedroom brick. He asked what price range and I said \$30,000-\$40,000. He asked what style and I said I was flexible on style, but it would be nice if the house had a garage. He said that most of the houses did. He asked me what town I was interested in and I said that it didn't matter so long as it was in the West Suburban Area. I said that we were trying to get within 1/2 hour travel time of Int'l Harvester in Melrose Park. The agent took my name and phone number and the info given above and then he proceeded to look through the MLS book for me. He showed me facts and a picture of 2 houses in Berkeley followed by one in Hillside. The Berkeley addresses are given on the other page. I expressed some interest in them and he said that the prices were starting to get higher (the book was arranged where the prices ascended). He then turned to the Bellwood section of the book. I expressed an interest in several homes. He then suggested that I select 4 or 5 homes to start and that he would try to call to make arrangements to see them. He said that it would probably be difficult to get inside during

Exhibits to Answers to Interrogatories

the working hours. I then asked if I could have a photocopy of the listings so that I could drive by and get some idea from the outside. He then photocopied the listing. During our discussion I asked about the schools in the area and he said that there were different boards of educations, but that all of the schools were good schools. He commented that he had once taught in Chicago and that the schools in the West Suburban Area were superior to Chicago schools. I asked why the homes in Bellwood were cheaper than in other areas and he said that the lots were smaller.

9/19/75, 4:10 P.M. I phoned Mr. Eggerding and asked if he could set up appointments for me to see 609 Linden in Bellwood, 1948 Taft in Berkeley and 2028 Herbert in Berkeley. Sometime this evening. He said that in checking that the home at 2028 Herbert in Berkeley was off the market as of today. He said he'd try to set up appointments for the other 2 and call me back to verify the appointments.

254-57 *for sale*

This information is considered accurate but we accept no liability for errors. The listing may be changed without notice.	ADDRESS:	2028 Herbert	LOT SIZE:		LIV. AREA		CODE 254-57 6-4 44,500
	CITY:	Berkeley	SQ. FT.				
	COUNTRY:	Brick	BWS.	BED.	BATHS	HEAT. GAS	
	STYLE:	Ranch	5	3	1	PA	
	P.O.D.	P	TAXES:		SPECIAL ASSESS.		
BUILT:	1955	BLDG.	\$508.88		None		RANGE: 2-1 CB
							FRAME
							REPT.
DWNT: Half - W/finished recreation rm w/bar - laundry & work area 1ST Living room, kitchen, 3 bedrooms & bath 2ND							ROOM SIZE: LR 17.6 x 12 DR B 17.1 x 9.8 BR 13.10 x 9.8 BR 10.7 x 10.3 BR 10.6 x 10.3 BR DEN B.A.
POSSESSION: To be arranged SCHOOL: Proviso West - St. Dominica - Hillside S.S. Northwestern MORTGAGE:							REASON FOR SALE: Relocating SUB: West Town AVAILABLE:
INCLUSIONS AND PERSONAL PROPERTY: Living room, front bedroom, master bedroom drapes & rods. Carpeting - Bar- 2 year old Aprilaire humidifier. Shelving throughout. Sump pump - overhead sewers. Fully fenced back yard. Aluminum awnings. 12 x 20 concrete patio. Newly Insulated attic. Plastered. Oak trim, hardwood floors, all basement fixtures. Excluding kitchen drapes, girl's bedroom drapes, gun cabinet & oval black rug.							TITLE FORM: C T & T SHOWING INSTR. Call first

APPROVED William D. ... BUS. PHONE: 440-4676

985-W7 *Leider*
S. S. S. S.

This information is considered accurate but we accept no liability for errors. This listing may be changed without notice.	ADDRESS: 1948 Taft Avenue	LOT SIZE: 50 x 135	LIV. AREA	CODE 985-W7	
	CITY: Berkeley	AMS: 6	BED: 3	BATHS: 1	6-4
	CONSTR: Brick	HEAT: GAS FA		41,600	
	STYLE: Cape Cod	CENT. COST: \$250			
P.O. P & D	TAXES: \$519.00	SPEC. ASMT: None	GARAGE: 2-CAR		
BUILT: 1961			N.D. ET.	PAGES: East	

RENT: Full - wonderful recreation room potential

1ST Living room, dining room, kitchen, 1 bedroom, bath

2ND 2 bedrooms.

REDISTRIBUTED COPY
(new picture)

POSSESSION: 50 days a/c or b/a	REASON FOR SALE: Bought
SCHOOL: Longfellow - Sunnyside - Proviso West	
N.W. Northwestern	SUB: Westtown - 3 blocks
NEIGHBOR: AVAILABLE:	

INCLUSIONS AND PERSONAL PROPERTY: Stove, refrigerator, carpeting in living room, dining room & 1 bedroom. hall & stairs. Draperies in living room & dining room. Awnings; central air conditioning.

TITLE FORM: C T & T

SHOWING INSTR. Call first

78

Exhibits to Answers to Interrogatories

62

137

403-56 *Under*
Search 1. Map

This information is considered confidential and no liability for errors. The listing may be changed without notice.

ADDRESS: 1010 Cernan Drive
CITY: Bellwood
CONSTR: Brick & Frame
STYLE: Bi-Level
P.O. Box: P
SOLD: 1959
SOLD: Sunset

LOT: 40 x 120
BMS: 6
BDS: 3
BATHS: 1 1/2
TAXES: \$617
SPE. ADJUST: None
HEAT: GAS FA
GARAGE: 1 1/2 - CAR
FRAME
A.S.

CODE: 403-56
6-4
\$ 37,500

ROOM DIMS:
Ln 13.5 x 12.8
BR 10.6 x 9.5
H 9.5
BR 10.4 x 9
BR 13.4 x 10.3
BR 13.4 x 9.10
BR
Fam 13 x 11.6
ULT 10.8 x 11.6

DEPT: Half - recreation room - 1/2 bath - laundry room.
1ST Living room, dining room, kitchen, bath & bedroom
2ND 2 bedrooms.

POSSESSION: To be arranged
REASON FOR SALE: Lincol - Roosevelt Jr. HI - Provise West - St. Silmagn
SCHOOL: WTS. AVAILABLE

DEPT: 1010 CERNAN DRIVE
BELLWOOD, ILL. 60410
CENTRALLY AIR CONDITIONED
Awnings, Kitchen carpeted, Aluminum S/S/SD. Wall to wall carpeting in living room, dining room, hall & staircase. Fenced yard.

FINANCET: Inman & Callu
BUS. PHONE: 467-0451

ROBERT A. HINTZE, REALTOR
1010 CERNAN DRIVE
BELLWOOD, ILL. 60410
STEPHEN F. EGGERDING, G.R.I.
1010 CERNAN DRIVE
BELLWOOD, ILL. 60410

FINANCET: Inman & Callu
BUS. PHONE: 467-0451

Exhibits to Answers to Interrogatories

EXHIBIT 4

SALES AUDIT REPORT FORM

Auditor's Race: Black

Auditor's Name: John R. Lindsey

Auditor's Address: 7343 So. Prairie Ave.

Auditor's Phone Number: 224-5512

Real Estate Firm's Name: Robert A. Hintze

Phone Number: 343-5600

Real Estate Firm's Address: 10150 Roosevelt Road

Date And Time Of Inquiry: 9/16 6:30 P.M.

Real Estate Agent's Names: Stephen F. Eggerding
Sales Manager

Addresses And Listing Prices Of Properties Offered For Sale:

	Address	Price
1.	400 Marshall, Bellwood, Ill.	.....
2.	632 Marshall " "	.....
3.	214 Eastern, " "	.....
4.	414 Marshall, " "	.....
	213 S. 49th, " "	.....
	2034 S. 20th) Broadview, Ill.	.....
	2632 S. 11th)	.....

Addresses And Listing Prices Of Properties Seen:

	Address	Price
1.
2.
3.
4.

Information Given to The Agent By The Auditor:

Name: John Lindsey Phone Number: 224-5512

Address: 7343 S. Prairie Ave.

Family Size: Three

Income: \$20,000

Downpayment: 8-10,000

Present Home Sold Or Up For Sale? Considering Renting
it or Selling

Credit Information (if any): None

Exhibits to Answers to Interrogatories

State Exactly What You Asked For When You Entered The Real Estate Office:

Would like to see New Homes in the 30-40,000 range.
State In A Narrative Form Your Conversation With The Real Estate Agent:

J.L. We would like to see new homes in the \$30-40,000 range. My company is opening a branch office in Oakbrook.

Mr. E. Fine we have many fine homes. Our office serves Westchester, Broadview, Maywood, Bellwood, Hillside. We have some fine homes in the Bellwood area which you may be interested in.

J.L. Fine. We didn't have an opportunity to look much on the way out. However we did notice a few good looking homes in the area across the street.

Mr. E. Oh that's Westchester and most of the homes over there are out of your price range.

J.L. O. K. let's see what you have.

Homes were shown and discussed—Bellwood, Broadview, misc which included Maywood, Oak Park, Elmhurst.

J.L. Would I have any trouble as a minority person in Bellwood or any of these areas.

Mr. E. Oh no! All our areas are integrated but it doesn't vary in % from community to community.

We will look at these and get back to you.

J.L. Thank you.

Only one home was shown in Westchester, cost \$69,000.

400 Marshall

632 Marshall

217 Eastern

417 Marshall

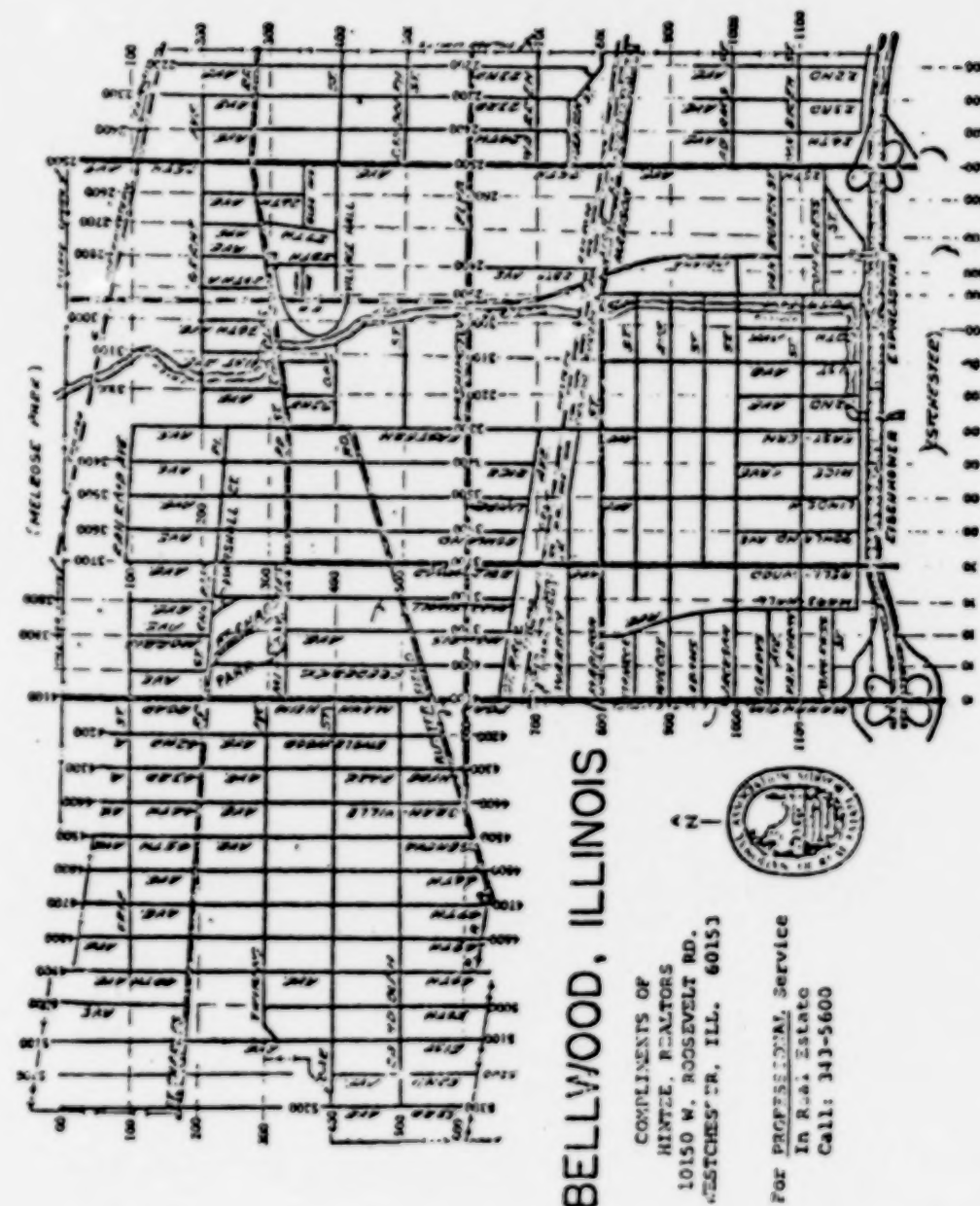
213 S. 49th

Broadview

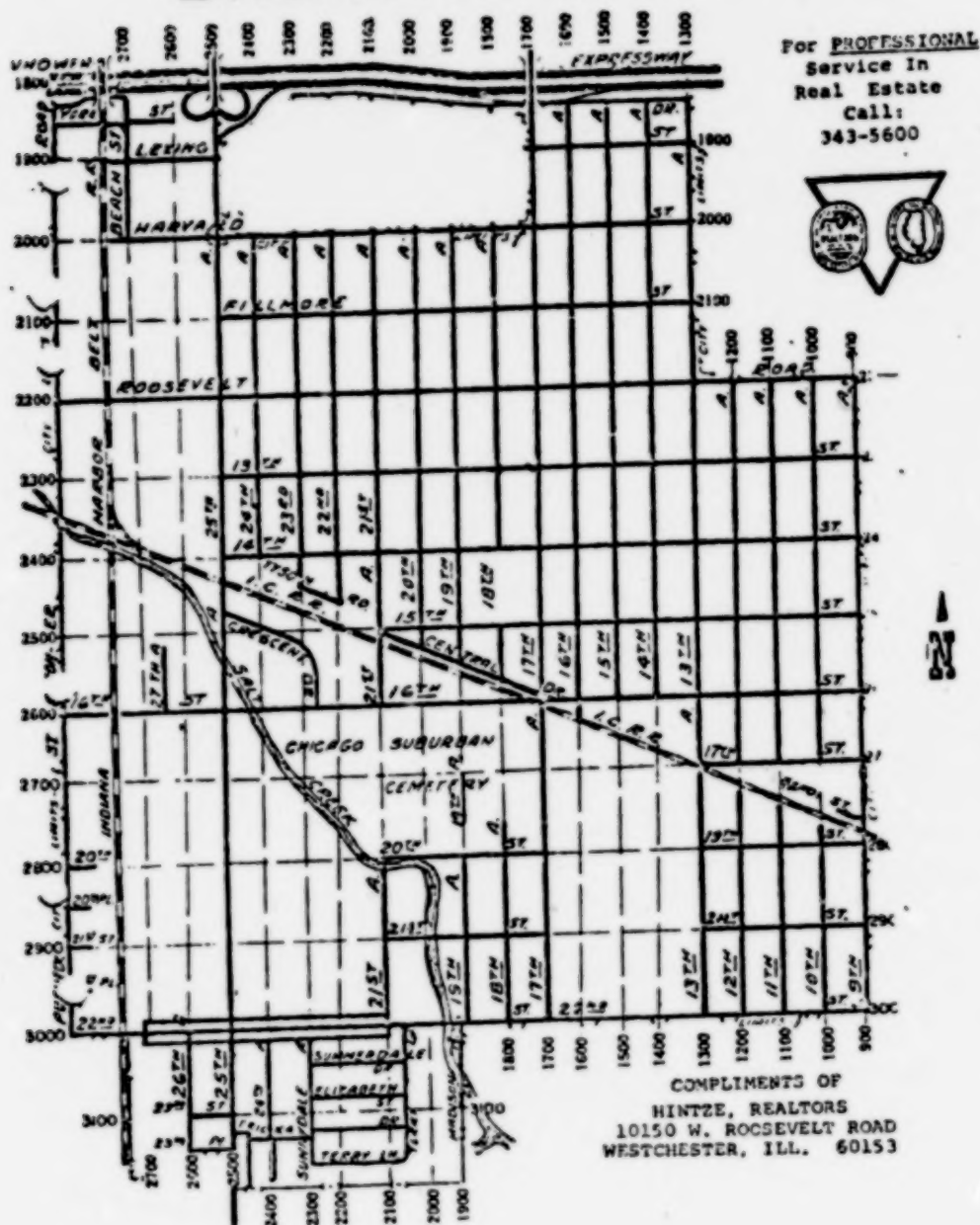
2034 S. 20th

2632 S. 11th

Exhibits to Answers to Interrogatories



BROADVIEW, ILLINOIS



Defendants' Motion for Summary Judgment
 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION
 (Titled omitted in printing.)
 DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT
 (Filed July 8, 1976)

Defendants move pursuant to Rule 56(b) of the Federal Rules of Civil Procedure for a summary judgment on the following alternative grounds:

- (1) Plaintiffs have no actionable claim or standing to sue under the provisions of 42 U.S.C. § 3612 and 42 U.S.C. § 1982.
- (2) There is no case or controversy between the parties within the meaning of Article III of the Constitution.
- (3) The "prudential limitations" on the exercise of federal jurisdiction require that plaintiffs not be afforded standing to prosecute this case.

In support of this motion defendants rely on certain of plaintiffs' answers to interrogatories and responses to requests for admission. (Copies of the pertinent Interrogatory Answers and Responses to Request for Admission are attached as Exhibit A to this motion.)

Russell J. Hoover
 Russell J. Hoover
 One of the Attorneys
 for Defendants

JENNER & BLOCK
 One IBM Plaza
 Chicago, Illinois 60611
 222-9350

*Exhibit A to Motion***EXHIBIT A**

The following are those portions of plaintiffs' Answers to Interrogatories and Response to Request for Admissions on which defendants rely to support their motion for summary judgment:

Requests For Admissions

A1. None of the individual plaintiffs who had conversations with the defendants had the intention at the time of said conversations of purchasing a home.

Answer: Admit.

A2. None of the individual plaintiffs who had conversations with the defendants informed the defendants that they were conducting an audit on behalf of the Leadership Council for Metropolitan Open Communities.

Answer: Admit.

I2. With respect to the allegations contained in paragraph 8 of the Complaint:

(a) Identify each act and/or communication of each defendant which you contend is evidence of an effort on his part to (influence the choice of prospective homebuyers on the basis of race).

Answer: The acts of Defendants which allegedly violate 42 U.S.C. § 1982 and 42 U.S.C. § 3601 et seq. are the subject matter of the audit reports.

1) With respect to Plaintiff Edward Powell, See Appendix A.

2) With respect to Plaintiff Mary P. Powell, See Appendix A.

3) With respect to Plaintiff Charles Elliott, See Appendix A.

4) With respect to Plaintiff Vicki Simmons, See Appendix A.

Exhibit A to Motion

5) With respect to Plaintiff Joyce Perry, See Appendix A.

6) With respect to Plaintiff Sandra J. Sharp, See Appendix A.

(b) Identify each act and/or communication of each defendant which you contend is evidence of his discouraging prospective black homebuyers from purchasing homes in white areas on the basis of race.

Answer: See answer to I2(a).

(c) Identify each act and/or communication of each defendant which you contend is evidence of his engaging in unlawful racial steering in violation of 42 U.S.C. § 1982 and 41 (sic.) U.S. § 3604.

Answer: See answer to I2(a).

(d) Identify each homebuyer who you contend used or sought to use the services of Hintze Realtors and whose choice was influenced on the basis of race.

Answer: The plaintiff auditors were acting in the capacity of homebuyers. See Appendix A.

(e) Identify each homebuyer who used or sought to use the services of Hintze Realtors who was discouraged from purchasing a home on the basis of race.

Answer: See answer to I2(d).

I6. With respect to each oral conversation between or among each plaintiff, or anyone purporting to act on his (their) behalf, and each defendant, or anyone purporting to act on his (their) behalf, from January 1, 1975 to the present time:

(a) Identify the parties to the conversation.

Answer: See Appendix A.

Exhibit A to Motion

(b) State the date of the conversation.

Answer: See Appendix A.

(c) State the location of the conversation and identify all persons present.

Answer: See Appendix A.

(d) If the conversation was by phone, state who called whom.

Answer: See Appendix A.

(e) State what was said by each party to the conversation or, if unable to do so, state the substance of what was said by each party to the conversation and indicate that it is the substance rather than the exact words that is being reported.

Answer: See narrative in audit reports, Appendix A. The individual plaintiffs have from time to time conversed with each other, however, the substance and dates of those conversations are not specifically available, but are embodied in Appendix A.

17. Do plaintiffs contend that each of the defendants discouraged prospective black homebuyers from purchasing homes in white areas on the basis of race?

Answer: Yes, the individual plaintiffs in this matter were auditors acting in the capacity of homebuyers.

(a) If the answer is yes, with respect to each defendant identify the black homebuyer and state the date of the discouragement.

Answer: See Appendix A.

Exhibit A to Motion

(b) If the answer is no, identify those defendants as to whom you claim such activity and with respect to each identify the black homebuyer and state the date of the discouragement.

Answer: Not applicable.

PROOF OF MAILING

I, Margrett Kontek on oath state that I served a copy of the foregoing Defendants' Motion For Summary Judgment by placing same in an envelope addressed to F. Willis Caruso, Esq., 470 S. Dearborn, Suite 1360, Chicago, Illinois 60605 ATTN. Horace Fox, Esq., with proper, prepaid postage affixed thereto and by depositing same in the United States Government mail chute at One IBM Plaza, Chicago, Illinois on Tuesday, July 7, 1976 before the hour of 5:00 p.m.

Margrett Kontek

SUBSCRIBED AND SWORN to
before me this 7th day
of July, 1976.

Joan J. Peltz

Notary Public
(Notary Seal)

Order

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

ORDER

(Filed September 29, 1976)

This cause comes on upon defendants' motion for summary judgment. The court has read and considered said motion and the memoranda of the respective parties in support thereof and in opposition thereto and finds that said motion is well taken and should be granted for the reasons set forth in Judge Decker's thorough and scholarly Memorandum Opinion entered September 23, 1976 in *Village of Bellwood, etc., et al. v. Gladstone Realtors, et al.*, case No. 75 C 3587, which opinion this court hereby adopts as its own. The court notes that the complaint in the aforecited case is almost a verbatim duplicate of the complaint in the instant case, except of course for the names of the defendants, and that plaintiffs' brief in opposition to defendants' motion for summary judgment in the aforecited case is, likewise, almost a verbatim duplicate of their brief in opposition to the instant motion for summary judgment, again except for the names of the defendants.

Accordingly, it is ORDERED that defendants' motion for summary judgment be and it hereby is granted, and that summary judgment be and it hereby is entered in favor of each defendant herein and against plaintiffs herein, with costs to be assessed against the plaintiffs.

J. S. Perry
Judge

Order; Notice of Appeal

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

ORDER

(Filed October 21, 1976)

Plaintiffs' Motion To Reconsider dismissal Order of September 29, 1976 is hereby denied.

Perry
Judge

Horace Fox, Marie Sanon,
F. Willis Caruso
407 So. Dearborn
Chicago, Illinois 60605
Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
(Title omitted in printing.)

NOTICE OF APPEAL
(Filed October 26, 1976)

Notice is hereby given that the Village of Bellwood, a municipal corporation of the State of Illinois, The Leadership Council for Metropolitan Open Communities, a not-for-profit corporation of Illinois, Edward B. Powell, Mary P. Powell, Charles Elliott, Vicki Simmons, Sandra T. Sharp, and Joyce Perry, hereby appeal to the United States Court

Notice of Appeal

of Appeals for the Seventh Circuit from the Memorandum Order on the 29th day of September, 1976.

Horace Fox, Jr.

Horace Fox, Jr.

One of the Attorneys for the Plaintiffs

Horace Fox, Jr.
F. Willis Caruso
Marie V. Sanon
407 South Dearborn Street
Suite 1360
Chicago, Illinois 60605
341-9345

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

DELLA BRUNSON, hereby states that she served the foregoing Notice of Appeal upon the following attorney for the defendants, RUSS HOOVER, Jenner & Block, One IBM Plaza, Chicago, Illinois 60611, by mailing a true and correct copy thereof by first-class, pre-paid mail to said attorney on this 27th day of October, 1976, before the hour of 5:00 p.m.

Della Brunson
DELLA BRUNSON

Subscribed to and sworn before me
this 27th day of October, 1976.

David A. Schucker

NOTARY PUBLIC

My Commission Expires November 15, 1977
(Notary Seal)

Opinion of the Court of Appeals for the Seventh Circuit

in the

United States Court of Appeals
For the Seventh Circuit

No. 76-2193

VILLAGE OF BELLWOOD, *et al.*,

Plaintiffs-Appellants,

v.

GLADSTONE REALTORS, *et al.*,

Defendants-Appellees.

No. 77-1019

VILLAGE OF BELLWOOD, *et al.*,

Plaintiffs-Appellants,

v.

ROBERT A. HINTZE REALTORS, *et al.*,

Defendants-Appellees.

Appeals from the United States District Court for the
Northern District of Illinois
Nos. 75 C 3587 & 75 C 3589

Bernard M. Decker & J. Sam Perry, Judges.

ARGUED SEPTEMBER 16, 1977—DECIDED JANUARY 25, 1978

Before PELL, BAUER, and WOOD, *Circuit Judges.*

PELL, *Circuit Judge.* We have before us consolidated appeals from summary judgments granted the defendants in two lawsuits. In each suit, the same plaintiffs charged a different set of defendants (two real estate brokers and certain individual salespersons) with illegally "steering"

Opinion of the Court of Appeals for the Seventh Circuit

prospective homebuyers to differing residential areas in the vicinity of Bellwood, Illinois, on the basis of their race, in violation of the Fair Housing Act of 1968, 42 U.S.C. § 3601 *et seq.*, and the Civil Rights Act of 1866, 42 U.S.C. § 1982. Judge Decker, being of the view that the plaintiffs in No. 76-2193 lacked standing to maintain the action, granted summary judgment and ordered the cause dismissed. In No. 77-1019, Judge Perry adopted Judge Decker's Memorandum Opinion and entered a similar judgment.

The individual plaintiffs in these cases are four white residents of Bellwood, and two black persons, one a resident of Bellwood, and one a resident of adjacent Maywood, Illinois. They asserted in their complaints that they "have been denied their right to select housing without regard to race and have been deprived of the social and professional benefits of living in an integrated society." The Village of Bellwood is also a plaintiff, alleging "injur[y] by having the housing market in such village wrongfully and illegally manipulated to the economic and social detriment of the citizens of such village." The other plaintiff is the Leadership Council for Metropolitan Open Communities, a non-profit corporation devoted to eliminating housing discrimination in the Chicago metropolitan area, which avers that the racial steering attacked here "hamper[s] and interfere[s]" with the Council's mission, and "cost[s] [it] money" to investigate and attempt to eliminate the practice.

Each of the individual plaintiffs in these cases assisted in the prelitigation investigation of defendants' practices. Their role as testers involved posing as prospective homebuyers in visits to real estate brokers. Couples of different races expressed similar preferences as to type, size,

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price range, and general location of houses in which they would be interested. The defendants allegedly steered couples making similar requests to houses in different areas, dependent upon the couple's race. All of the tester couples acted solely as investigators; none were making bona fide efforts to purchase homes in the affected area. This fact was deemed critical by both district judges, who held that only the direct victims of actual discriminatory acts had standing to maintain suit under 42 U.S.C. § 3612.

The fact that the individual plaintiffs acted as testers has produced some confusion in these cases, and, before addressing the standing question, it is necessary we clarify the matter. The defendants have argued, *e.g.*, that Congress did not intend to apply the Fair Housing Act to hypothetical cases or to create a remedy for testers, and that the only discrimination attacked produced no injury to anyone because the testers would not have bought a house no matter to what area they were steered. These arguments, at least in part, miss the point. It is true that plaintiffs' discovery admissions that no bona fide homeseekers are in the case negated the complaints' allegations that personal rights "to select housing without regard to race" are implicated here, but the other injuries alleged by the various plaintiffs can and must be assessed without dispositive reference to the role of the individual plaintiffs *qua* testers.

What the testers did was to generate evidence suggesting the perfectly permissible inference that the defendants have been engaging, as the complaints allege, in the *practice* of racial steering with all the buyer prospects who come through their doors. Racial steering, by its nature, is a subtle form of discrimination that is difficult if not impossible to prove otherwise than by comparing the areas

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to which homeseekers of different races are directed. The strength of the inference suggested by such a comparison is not affected by whether or not the "homeseeker" has a bona fide intent to purchase a home. To the degree defendants are seeking to saddle plaintiffs with the argument that testers *qua* testers have a cause of action, they have either misread the complaint or erected a straw man. To the degree the argument is that plaintiffs have failed to comply with Fed.R.Civ.P. 56(e) by showing specifically that racial steering was practiced on true homeseekers, it rings hollow in the light of defendants' refusal to date to provide any of the discovery sought by plaintiffs. Moreover, we think the tester evidence itself creates a triable fact issue.

Turning to the standing problems in the case, we assume, for the present purposes, that defendants have engaged in racial steering and that such a practice violates the federal statutes invoked here.¹ Inquiry into standing focuses on the litigant, not on the merits of his claim. The question is "whether the plaintiff has 'alleged such a personal stake in the outcome of the controversy' as to warrant his invocation of federal-court jurisdiction and to justify exercise of the court's remedial powers on his behalf. *Baker v. Carr*, 369 U.S. 186, 204 (1962)." *Warth v. Seldin*, 422 U.S. 490, 498-99 (1975) (footnote omitted; emphasis in original).

¹ See, e.g., in this regard, *Moore v. Townsend*, 525 F.2d 482, 486 (7th Cir. 1975); *Zuch v. Hussey*, 394 F.Supp. 1028, 1047 (E.D. Mich. 1975); *Fair Housing Council of Bergen County, Inc. v. Eastern Bergen County Multiple Listing Service, Inc.*, 422 F. Supp. 1071, 1074-76 (D.N.J. 1976) (hereinafter *Bergen County*). Cf. *Johnson v. Jerry Pals Real Estate*, 485 F.2d 528 (7th Cir. 1973).

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The constitutional limitations of the federal judicial power to cases and controversies engenders the first rule of standing: that the plaintiff must show actual or threatened injury to himself that is likely to be redressed or avoided by a favorable decision. *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26, 38 (1976); *Warth, supra*, 422 U.S. at 498, 505 (1975). As to the individual plaintiffs, there is no real doubt that the complaints satisfy this requirement.² *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205 (1972), demonstrates that. Plaintiffs therein attacked the discriminatory rental practices of the large apartment complex in which they lived, asserting injury in their loss of social and professional benefits from living in an integrated community and in their stigmatization as residents of a "white ghetto." *Id.* at 208. The Supreme Court expressly found these averments to establish injury in fact. *Id.* at 209, 211. We reach the same conclusion about the virtually identical allegations of the individual plaintiffs in the cases which are now before us.³

Trafficante does not control the issue of standing of a municipal corporation to challenge illegal manipulation of

² Neither district court, in fact, questioned the sufficiency of the complaints' allegations of injury in fact, and the defendants' only argument on this point is their assertion that the complaints fail to allege racial steering practiced on bona fide homeseekers, which argument we have rejected *supra*.

³ The Court's emphasis in *Trafficante* was on the "loss of important benefits from interracial associations," *id.* at 210, so we think it insignificant that the individual plaintiffs do not expressly allege stigmatization. Such an allegation, in any event, might well be thought to be implicit in the charge that plaintiffs have been denied the benefits of living in an integrated society.

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its housing market to the "economic and social detriment" of its citizens, although some guidance is provided by the Court's recognition that

[t]he person on the landlord's blacklist is not the only victim of discriminatory housing practices; it is, as Senator Javits said in supporting the [Fair Housing] bill, "the whole community," . . .

Id. at 211 (citation omitted). That much is implicit in our determination that the individual plaintiffs here have alleged actual injury. We need not determine, however, whether or not the Village of Bellwood would have standing if the sole injury alleged was the deprivation to its citizens of the benefits of integrated living. Taking the complaints' allegations as true, and construing them liberally in a light favorable to the Village, *Warth, supra* at 501, it is apparent that specific concrete injury with a substantial nexus to the Village's status as a unit of government could be proved under these complaints. *See Flast v. Cohen*, 392 U.S. 83, 102 (1968). An area targeted as a "changing neighborhood" to which minority homeseekers may be steered could experience unnaturally rapid population turnover, with destabilized and possibly negative effects on property values and thus on its municipal tax base, and a conceivable increase in certain municipal problems to which a town such as Bellwood would have to commit resources in attacking them. *See Zuch v. Hussey, supra*, 394 F.Supp. 1028; *cf. Linmark Associates Inc. v. Township of Willingboro*, 431 U.S. 85 (1977); *Barrick Realty, Incorporated v. City of Gary, Indiana*, 354 F.Supp. 126 (N.D. Ind. 1973), *aff'd*, 491 F.2d 161 (7th Cir. 1974).

By comparison, the actual injury alleged by the Leadership Council is rather slight. The complaints do not set out specific injury to Council members which, arguably, the Council might be accorded standing to assert. The sole

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allegations are that racial steering interferes with the Council's mission and costs it funds to attack. But the Council's interest in open housing matters and its asserted commitment to effectuating that interest, albeit commendable, do not substitute for the concrete injury constitutionally required to invoke the jurisdiction of the federal courts. *See Simon, supra*, 426 U.S. at 39-40; *Warth, supra*, 422 U.S. at 511-17; *Sierra Club v. Morton*, 405 U.S. 727, 739-40 (1972); *Mulqueeny v. National Commission on the Observance of International Women's Year, 1975*, 549 F.2d 1115, 1120-22 (7th Cir. 1977). The alleged dollar cost to the Council of attacking defendants' alleged practices is simply "concomitant to [its] keen concern" about open housing issues, and does not present independently cognizable injury. *Id.* at 1121. For these reasons, we affirm the judgments of the district courts insofar as they dismissed the Council from the action for lack of standing.

Once it is determined that litigants have alleged actual injury, standing inquiry focuses on whether the rights they assert are "arguably within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question." *Association of Data Processing Service Organizations, Inc. v. Camp*, 397 U.S. 150, 153 (1970). We think that the individual plaintiffs and the Village of Bellwood present claims at least arguably within the ambit of the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*⁴

⁴ As we stated earlier, plaintiffs also invoke 42 U.S.C. § 1982. Because § 1982 is set up simply as another theory to justify relief on the same facts to which application of the Fair Housing Act is sought, and there is only one count in each of the complaints before us, we have no need to consider standing under § 1982 separately. *See Trafficante, supra*, 409 U.S. at 209 n.8.

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Once again, *Trafficante*, *supra*, provides substantial guidance. In affirming the standing of two individuals who asserted precisely the same injury as do the individual plaintiffs here, the Court stated that "the reach of . . . law was to replace the ghettos 'by truly integrated and balanced living patterns.'" 409 U.S. at 211 (citation omitted). Congress' concern for those who suffer indirectly from discriminatory acts was stressed, *id.* at 210, 211, as was the fact that "complaints by private persons are the primary method of obtaining compliance with the Act." *Id.* at 209. Quoting a Third Circuit opinion⁵ which had found in the Civil Rights Act of 1964 "a congressional intention to define standing as broadly as is permitted by Article III of the Constitution," the Court expressly "reach[ed] the same conclusion" "[w]ith respect to suits brought under the 1968 Act." *Id.* Using this reasoning, we have no difficulty finding that both the Village and the individual plaintiffs here are at least arguably intended beneficiaries of the substantive provisions of the Act.

Of course, if the procedural provisions of the Act which authorize private suits somehow exclude these plaintiffs or condition their access to federal court on meeting requirements which they have not met, the judgments of the district courts would have to be affirmed nonetheless. The possibility that this is so arises because there are two provisions in the Fair Housing Act authorizing private enforcement. The only plaintiffs explicitly discussed in *Trafficante* brought suit under 42 U.S.C. § 3610, which provides that "[a]ny person who claims to have been injured by a discriminatory housing practice [defined in 42 U.S.C. §

⁵ *Hackett v. McGuire Bros., Inc.*, 445 F.2d 442, 446 (3d Cir. 1971).

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3602(f) as a violation of sections 3604-3606 of the title] . . . (hereafter 'person aggrieved')" may file a complaint with the Secretary of Housing and Urban Development for investigation and conciliation, failing the satisfactory resolution of which he or she may commence a civil action in federal court. The plaintiffs here, never having complained to the Secretary, bring suit under 42 U.S.C. § 3612 (a), which provides in part that "[t]he rights granted by sections 3603, 3604, 3605, and 3606 of this title may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy"

The judgments under review are premised on the theory that *Trafficante* establishes broad standing only for suits under § 3610 and that the preferential access to federal courts contained in § 3612 should be limited to direct victims of discriminatory acts. This theory has been adopted in the Ninth Circuit, *TOPIC v. Circle Realty*, 532 F.2d 1273 (9th Cir. 1976), *cert. denied*, 429 U.S. 859, and is not without some plausibility. Although there were intervening plaintiffs in *Trafficante* who had not complained to the Secretary and whose standing thus depended on § 3612, *Trafficante v. Metropolitan Life Insurance Company*, 446 F.2d 1158, 1161 n.5 (9th Cir. 1971), the Supreme Court made no express reference to these plaintiffs. We cannot assume that the Court necessarily adjudicated the standing of all the plaintiffs in the case. See *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 265 n.9 (1977). Moreover, the Court in *Trafficante* placed some emphasis on the "person aggrieved" language of § 3610, which language does not appear in § 3612.

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These factors make it "impossible to tell with certainty" whether *Trafficante* was meant to control cases arising under § 3612, *Bergen County, supra*, 422 F.Supp. at 1082, even though the *Trafficante* opinion cites and quotes both § 3612 and § 3610 without distinguishing between the two and some of the opinion's language, quoted above, would appear to cover all suits brought under the Act.⁶ Assuming, then, that *Trafficante* does not flatly control this case, we have nonetheless reached the conclusion that *TOPIC* was wrongly decided and the district courts erred in relying on it and dismissing these actions.⁷

Whatever may be the pertinence of *Trafficante's* holding for these lawsuits, its thrust and rationale plainly suggest that the individual plaintiffs and the Village of Bellwood have standing. As we have noted, the Court emphasized the Congressional policy of protecting all those injured by discriminatory acts and practices, and stressed the critical importance of "private attorneys general in vindicating a policy that Congress considered to be of the highest priority." 409 U.S. at 211. This reasoning would surely apply here, unless there were some reason to think that Congress intended §§ 3610 and 3612 to serve different types of private litigants.

⁶ Also, the Court expressly reserved decision on the *Trafficante* plaintiffs' standing under 42 U.S.C. § 1982, 409 U.S. at 209 n.8, but made no such reservation as to issues pertaining to § 3612.

⁷ This opinion has been circulated among all judges of this court in regular active service. No judge favored a rehearing *en banc* on the position taken in the opinion rejecting the approach of the Ninth Circuit in *TOPIC*. Judge Tone did not participate in the consideration.

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The Ninth Circuit in *TOPIC* purported to find such a reason in the very duality of the statutory scheme. The court reasoned that the "slower, less adversary context of administrative reconciliation and mediation" was a fitting route to relief for the broad class of those injured under *Trafficante's* standards while the direct preferential access" to the courts set out in § 3612 must have been intended for those who needed judicial relief most, i.e., those directly injured. 532 F.2d at 1276. The *TOPIC* opinion provides no evidence at all that such was in fact the contemplation of Congress, nor have the district courts or the defendants herein offered any.

Indeed, the only legislative history cited to us is inconsistent with the notion of § 3610 as a "slower," less preferred route to relief for those less needy of immediate redress. Open housing legislation was before the Congress as early as 1966. When the possibility of an administrative remedy was first proposed, it was supported on the grounds that it would provide quicker, less expensive, and fairer relief. 112 CONG. REC. 18402, 18405, 18409 (1966) (remarks of Representative Conyers); *id.* at 18409 (remarks of Representative Vivian). At least one Congressman opposed the proposal because it would duplicate relief under the direct judicial method. *Id.* at 18401, 18405 (remarks of Representative McClory).

During House debates in 1968 on the legislation ultimately adopted, Representative Celler, the bill's floor manager, explained the various remedial provisions as simply alternatives, drawing no distinctions between them. 114 CONG. REC. 9560 (1968). Representative Ford introduced an analysis prepared by the staff of the Judiciary Committee which described § 3612 as "apparently an alterna-

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tive to the conciliation-then-litigation approach [contained in § 3610]. . . .” *Id.* at 9612.

In a variety of contexts, federal courts have treated §§ 3610 and 3612 as independent alternative remedies. *See, e.g., Marr v. Rife*, 503 F.2d 735, 739 (6th Cir. 1974); *Miller v. Poretsky*, 409 F.Supp. 837, 838 (D.D.C. 1976); *Young v. AAA Realty Company of Greensboro, Inc.*, 350 F.Supp. 1382, 1384-85 (M.D.N.C. 1972); *Crim v. Glover*, 338 F.Supp. 823, 825 (S.D. Ohio 1972); *Johnson v. Decker*, 333 F.Supp. 88, 90-92 (N.D. Cal. 1971); *Brown v. Lo Duca*, 307 F.Supp. 102 (E.D. Wis. 1969). We reach the same conclusion here, and hold that there is no difference between the class of plaintiffs with standing to invoke § 3610 and the class with standing to invoke § 3612. *Accord, Wheatley Heights Neighborhood Coalition v. Jenna Resales Co.*, 429 F.Supp. 486 (E.D.N.Y. 1977); *Bergen County, supra*; and *see Village of Park Forest v. Fairfax Realty*, P-H Eq. Opp. Hsing. Rptr. ¶ 13,699 (N.D. Ill. 1975), and P-H Ep. Opp. Hsing. Rptr. ¶ 13,784 (N.D. Ill. 1976); *Heights Community Congress v. Rosenblatt Realty, Inc.*, 73 F.R.D. 1 (N.D. Ohio 1975). Our decision is supported by the fact that HUD, which has significant responsibilities in the administration of the Fair Housing Act, apparently makes no distinction between the two classes. 24 C.F.R. 105.16 (1976). *See Trafficante, supra*, 409 U.S. at 210.

It may to some degree seem to offend a judicial penchant for consistency to say that Congress has, in the same act, established an administrative remedy and authorized plaintiffs, at their discretion, to bypass it. The answers are, first, that such a judicial penchant does not give a court the license to write into a statute a distinction Congress never intended, and, second, that there is sense in such a scheme. The administrative provisions of § 3610 merely

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make available the good offices of HUD for conciliation and settlement purposes. Nothing akin to adjudication is to be undertaken, and HUD lacks the power to provide the complainant with any coercive relief. Conciliation through HUD may well be productive in a given case, notwithstanding the toothless nature of the remedy, but it is by no means unreasonable to allow the complainant, who may well have had direct experience with the alleged discriminator, to make that choice. That, in any event, in our opinion, is the course Congress has chosen.

For the reasons set out herein, we decide that the individual plaintiffs and the Village of Bellwood⁸ have standing to litigate these lawsuits. The judgments of the district courts are to that extent reversed, and affirmed insofar as they dismissed out the Leadership Council as a plaintiff, and the cases are remanded for further proceedings not inconsistent with this opinion.

AFFIRMED IN PART; REVERSED IN PART; AND REMANDED.

A true Copy:

Teste:

*Clerk of the United States Court of
Appeals for the Seventh Circuit*

⁸ In a single sentence at oral argument, counsel for defendants advanced the argument, not mentioned in their brief, that the Village lacks standing because it is not a “person” as defined in 42 U.S.C. §3602(d). That section does not limit “person” to natural persons, but sets out a broad range of organizations, including “corporations,” within the definition. The Village is a municipal corporation, and we see no reason, or at least defendants have shown none, to construe § 3602(d) to exclude that type of corporation.